YOUTH AND THE JUSTICE SYSTEM: CAN WE INTERVENE EARLIER?

HEARING

BEFORE THE

SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

SECOND SESSION

HEARING HELD IN NEW ORLEANS, LOUISIANA, ON
MAY 18, 1984

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YOUTH AND THE JUSTICE SYSTEM: CAN WE INTERVENE EARLIER?

FRIDAY, MAY 18, 1984

House of Representatives,
Crisis Intervention Task Force,
Select Committee on Children,
New Orleans, LA.

The select committee met, pursuant to call, at 9:56 a.m., in City Council Chamber, New Orleans, LA, Hon. Lindy Boggs presiding.

Members present: Representatives Boggs, Miller, Anthony, and Tauzin.

Staff present: Alan Stone, staff director, and counsel, George Elser, minority counsel, Marcia Mabee, professional staff, Crisis Intervention Task Force.

Mrs. Boggs. I would like to call the meeting together and I want to welcome all of you to the third hearing of the Crisis Intervention Task Force of the Select Committee on Children, Youth, and Families.

I am especially pleased that we are here in New Orleans, since this city and the State of Louisiana offer excellent examples of what can be done to help troubled youth.

I am also certain that today's witnesses will help us highlight areas where more still needs to be done.

The Select Committee has completed 1 year of its nationwide assessment of the condition of America's children, youth, and families and how they are living. Our Task Force specifically has already heard from many private sector providers who are trying to assist families in crisis, as well as from experts familiar with the specific problems of youth.

Let me add that we have always tried, as well, to hear from the young people directly. We have just had a site visit this morning to Youth Alternatives and we spoke with several young people that started our day out in a very bright and happy manner. We are sorry that it delayed our arrival here, but I think all of you would have been as enchanted as we were with their success stories.

Today's hearing takes a closer look at a special group of teenagers, youth who come in contact with the justice system.

As the title of the hearing suggests—Youth and the Justice System: Can We Intervene Earlier?—we will examine the factors which might lead to behavior problems among young people, as well as look at what can be done to ameliorate those conditions so that we can prevent delinquency and incarceration of our young people.

I would like to tell you that we are going to hear this morning from two distinguished juvenile judges from the New Orleans area who have had extensive experience addressing the needs of troubled youth.

We will hear next then from two young people who face special difficulties and can tell us in their own words about their experiences in the justice system.

We will also hear later from three people who have created and directed innovative programs to divert troubled young people from delinquent paths. One of those witnesses is a former delinquent and brings a very special perspective to the problems faced by young people.

Finally we will hear from two researchers who have examined the extent of handicapping conditions, such as learning disabilities and emotional problems that often stem from abuse at home, that youth in correctional facilities across our country have.

I thank you all and look forward very much to a good learning experience and one that we can take back to all the other Members of Congress.

[Opening statement of Congresswoman Lindy Boggs follows:]

OPENING STATEMENT OF HON. LINDY BOGGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA, AND CHAIRWOMAN OF THE CRISIS INTERVENTION TASK FORCE

I want to welcome all of you to the third hearing of the Crisis Intervention Task Force of the Select Committee on Children, Youth, and Families. I am especially pleased to be here in New Orleans, since this city and the State of Louisiana offer excellent examples of what can be done to help troubled youth. I'm also certain today's witnesses will help us highlight areas where more still needs to be done.

The Select Committee has completed one year of its nationwide assessment of the conditions in which America's children, youth, and families are living. Our task force, specifically, has already heard from many private sector providers who are trying to assist families in crisis, as well as from experts familiar with the specific problems of youth. Let me add that we have always tried, as well, to hear from young people directly.

Today's hearing takes a closer look at a special group of teenagers—youth who come in contact with the justice system. As the title of the hearing suggests: "Youth and the Justice System: Can We Intervene Earlier?" we will examine the factors which might lead to behavior problems among young people, as well as look at what can be done to ameliorate those conditions, so that we can prevent delinquency and incarceration of our young people.

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Finally, we will hear from two researchers who have examined the extent of handicapping conditions—such as learning disabilities and the emotional problems that often stem from abuse at home—that youth in correctional facilities across our country have.

I thank you all, and look forward very much to a good learning experience, one that we can take back to all the other Members of Congress.

Mrs. BOGGS. It gives me great pleasure to present to you the people here at the panel. The chairman of our select committee has honored us with his presence. He has made a very special effort to come here just for the day, between Washington and California.

We are extraordinarily pleased to have one of the finest Members of Congress with us, George Miller of California.

And Beryl Anthony of Arkansas is a member of our Crisis Intervention Task Force, a very valuable member who has had great experience in programs with young people. He brings his own special perspective to the committee hearings and to the committee meetings. It has been a learning experience for me this morning to accompany him on the site visit and recognize his familiarity with the problems and with some of the areas where we can be helpful.

We are extraordinarily pleased that our colleague from Louisiana, Billy Tauzin, has taken time out to be with us. He does not serve on this particular committee, but he has a continuing interest in the young people and family life and is very supportive of all the programs that our committee recommends.

We also have with us our staff director who is here, Alan Stone, who has done a very remarkable job for this new select committee.

And we have George Elser, also of the select committee staff and Dr. Marcia Mabee, who is the staff director of the Crisis Intervention Task Force.

So we are very pleased to be here with this expert panel and to have before us some witnesses of such tremendous importance to the subject at hand.

George, would you like to say anything before we begin?

Chairman MILLER. Just that I am delighted to be here. I am sorry that I was not able to join you on the site visit, but I look forward to the testimony we will receive and I want to compliment you. I am especially appreciative, as the chairman of this committee, that you are having these hearings to address one of the areas that is most troublesome for policymakers, with respect to young people. That is, their involvement within our justice system, and how we can help keep them out of the system if at all possible.

I am here out of interest in this subject, and out of my great respect for you, Madam Chairman. I appreciate the opportunity to hear the witnesses.

Mrs. BOGGS. Thank you very much. Mr. Anthony.

Mr. ANTHONY. Madam Chairman, I just would say, welcome. I represent 23 counties in south Arkansas, so I feel like I am almost a part of Louisiana. My family actually has some business interests in Louisiana, so I feel very close to your State.

As you know, I spent 10 years working with the juvenile court system as a prosecuting attorney, so I look forward to hearing the witnesses and sharing their experiences. Based on that and on my own experiences, I hope we can come forward with some concrete suggestions as to how we can improve the current circumstances.

I am also looking forward to what I understand may be an extra special treat for those who stay over. Don't fly off to California, Mr. Miller. I think we may even get a chance to see the World's Fair.

Mrs. BOGGS. Mr. Tauzin.

Mr. TAUZIN. Madam Chairman, I want to first of all congratulate you for bringing the select committee to New Orleans.

As you know, Madam Chairman, an often heard complaint of our constituencies here in Louisiana is that Washington is so far away. Twelve hundred miles is one long piece, not to have your say and have your chance to have some input in the process.

What you have done is you have brought a portion of the process in Washington, here to New Orleans, and you are going to allow some of our own constituents who have a real and deep concern and interest in this area, to have their say and to contribute to our process. And that, indeed, is a commendable thing.

Lindy, you do so many commendable things for this community. I am so proud of you and I wanted to be here just to thank you for bringing this select committee here and secondly, to welcome our colleagues, particularly Mr. Miller, who is coming from so long a distance. It is unfortunate that he is going to have such a short stay in our community. I hope he does come back to see the fair.

It is no big deal for Beryl to come here. As he has said, Arkansas is just a hop and a skip away. But Mr. Miller, we really appreciate you being here, sir.

You will have a chance to hear from Louisiana constituents. Lindy, also, it is so timely that you bring the select committee here and address this problem of youth and delinquent juveniles in the justice system, particularly now when we are hearing more and more national attention centered around the problem of child abuse and missing children, and with the recent replay of the movie on the missing child in Florida, and the revelation recently of the U.S. Senator in Florida, that she herself had been an abused child and what a trauma it was for her.

Centering at least part of the attention of your committee on that subject is very timely and I think you will contribute a great deal to solutions in a very delicate and very important area.

God bless you on the work you do. Lindy, I have got to move on to a Coast Guard meeting where I am trying to convince the Coast Guard to give some Cajuns a decent chance to pass their licensing exams. They have got some notion that every Cajun knows how to speak English and this is not true. We have got to go there and convince them to give some oral exams and maybe use some terminology that Cajuns can understand when they test them.

We have got some Cajuns that can navigate circles around the fellows from California and on the east coast, but they just can't pass the test. So I am going to go work on that problem while you work on this one. I wish you God speed.

Mrs. BOGGS. I was just going to say, Billy, that throughout the world, our Cajuns and other pilots are respected so much and maybe we should make the Cajuns the teachers who give the exams.

Thank you so much, Billy. We are honored by our first witness this morning, who is a woman of tremendous stature in this community. She was preceded by another woman of great stature and who is respected and loved for all of her good works, her own mother. We are very pleased to have with us the Honorable Joan Armstrong, who is a Judge in the juvenile court in New Orleans.

Joan, would you come and join us, please? I am sure many of you who are here know Joan's mother, Rotelle Bernard. You probably know her sister too, who is a great opera singer.

You may proceed when you wish.

STATEMENT OF HON. JOAN ARMSTRONG, JUDGE, JUVENILE COURT, NEW ORLEANS PARISH, LA

Judge **Armstrong**. Good morning, Chairman and good friend, Lindy Boggs, and members of the select committee. I am honored and delighted to testify before you this morning regarding the needs of troubled youth and the importance of intervening early in their lives.

Our children are this country's greatest asset and therefore their welfare should be this country's greatest interest. From their numbers must come our country's future leaders. We know that the nature of our future leaders will be influenced by their training and environment during their childhood.

We must be concerned with all conditions under which all children live and grow to maturity. When anything less than the best in child welfare is present, the whole community suffers. So it is against this background that I share with you my thoughts today and I thank you for this opportunity to appear before you today.

Perhaps I should begin by giving you some information about our court here in New Orleans Parish. Our State statute assigns all matters pertaining to juveniles in Orleans Parish to the jurisdiction of the Orleans Parish Juvenile Court. This includes delinquency, children in need of supervision, neglect and abuse, abandonments, termination of parental rights, adoptions, nonsupport, and traffic matters.

According to the 1983 annual report of the Louisiana Supreme Court, 40,942 new juvenile cases were filed throughout the State in 1983. Twenty-five percent, 9,986, were filed in Orleans Parish, an increase of some 600 more cases than in 1982.

According to the most recent reports from two Louisiana Departments of Health and Human Resources, one-third of all neglect and abuse cases statewide are filed in Orleans Parish.

Neglect and abuse matters and nonsupport matters, once opened, stay open usually for years after initial adjudication and disposition. So in addition to any new matters, this court at present has active some 1,400 neglect and abuse cases to supervise and likewise, some 10,500 nonsupport cases to supervise.

Yes, I am aware this morning that you are interested in the needs and services of the youth, but bear with me, our court is one of those service providers.

Concurrently with the increased filings, much needed review processes at both State and national levels have been implemented during the past 2 years.

Most notable is Public Law 96-272, which mandates reviews of all cases of all children in State custody due to neglect and abuse. But no funds were allocated to implement these reviews.

Additionally, over the past few years community-based services essential to court services have been dwindling. Most notably, we are referring to the additional need of indigent defenders in our courts and also we are talking about mental health services have been declining.

The latter cuts across the board, insofar as the continuance of prevention, evaluation, and treatment needed for the many troubled individuals that come into our courts, both adults and children, that we see daily.

Overlaying this entire situation is the economic instability in our country. Not only does it have an impact on the court in terms of increased case referral, especially in neglect and abuse matters, but public funds are not available to address the court's operational needs. I am not talking about new services, but just trying to maintain existing services.

For example, our court staff has received one 5-percent raise in the past 2 years.

So, thus I plead with you this morning that as you look to the need for services to address the needs of youth in our communities, do not overlook the needs of the court charged with intervening into the lives of children which have deviated from what our society deems acceptable.

In my introductory remarks, I noted the wide range of cases the court addresses. The variety and range of problems youth exhibit in our court is endless.

Often many youths who are in trouble who appear in our court are doing badly in school. Their grades are below average. Many have dropped one or more classes behind their classmates or have dropped out of school entirely. Many of them have learning disabilities or other adjustment problems. Their social histories reveal youngsters whose disability goes undetected and are often entangled in a cycle of failure and deterioration. And I remind you that many of these youth don't make it. They become a statistic. Once alienated, many find their way into our courts.

Many youths who appear in our court tend to come from backgrounds of social and economic deprivation. Many live in situations with undesirable conditions of life, such as poor housing, lack of adequate recreational facilities and programs, high unemployment and poverty. And there is a crisis I believe here, not only in this city, but in the nation. Our families are failing.

The family is no longer serving as an agent of social control. The family unit is simply not operating effectively. There is an absence of love and communication within the family and the youth may not have a constructive or meaningful interpersonal relationship with a single responsible adult. In many instances one parent is absent, usually the father. If the family is intact, there exists deep unhappiness, marital discord, mental disorder, personality problems, and so forth.

There is also to be found in many of our children that are coming into the court a lack of discipline in the home. On one hand, you may find child rearing practices are very permissive. The child is on his own, in charge of his own affairs from an early age.

On the other hand, the child rearing practices are very stern, many times reinforced physically, resulting in serious physical abuse and emotional trauma.

By the time many youngsters reach our court, they have most likely experimented with drugs, alcohol, and may even be deep into the drug scene or a confirmed alcoholic.

But in the final analysis, the needs and the problems of these children are no different than any other child, at least initially.

Each child needs proper food, shelter, and basic medical care, moral teaching and value system, from conception. Each needs consistent security in a family setting.

A family can take many forms, but someone needs to be there for a child, to provide physical necessities and be the vehicle by which customs and skills needed for at least minimal survival within acceptable boundaries in our society.

Sadly, the court does not see most cases, even in the instance of infants, until severe damage is done, done sometimes beyond any real repair.

Human skills do not extend to mending brains damaged by repeated blows as a result of serious physical abuse or nervous systems that did not develop properly due to poor nutrition, or to fully change the emotional set of a child who has learned that if he is to survive he must get it for himself and so attacks others, as he has no skills to do for himself by acceptable means.

As a judge, as a mother, as a citizen who is deeply concerned and who has seen and heard seemingly endless reports of the horrors committed against our children and others in our society, I am not for a moment suggesting that we give up on our children in trouble, our damaged children. But most of the damage is done, many times, before I see the individuals.

Thus, while we need to maintain good treatment facilities, good foster care, good group home settings, and the skilled professionals, social workers and so forth, psychologists and psychiatrists to staff these facilities, we also need to look, as I see as a top priority if you are talking about controlling and combating juvenile delinquency with early intervention, we are talking about prevention.

Clearly it is with young people that prevention efforts are most needed and holds the greatest promise.

I ask you this morning, as you have in the past, be concerned about employment needs. Reducing unemployment and underemployment is imperative to both enable every adult in this city and in this country to make a decent living and to interrupt the poverty and disadvantages that unemployment and financial dependence passes on from generation to generation. I have been on the bench long enough to see this, from generation to generation.

Real improvement requires not only preparing youth for employment and equipping the parents of youth with the skills to hold existing jobs, but also making jobs available where none exist.

Be concerned about good child care service for the working parent, affordable service. Be concerned about adequate housing, free of lead paint and rats. The environment that a child lives in determines how that child is going to act in society. And if he lives in poor housing and deplorable conditions, in filth and rubbish, how do you expect him to respect his own self and respect the lives of others?

Be concerned about adequate medical services, services that begin before a child is born with proper prenatal care.

Be concerned about mental health and other services that provide support to parents, especially to those parents that are having some problems within the family unit and that they are unable to cope with all the stress and problems and difficulties in raising their children.

Be concerned about the growing number of teenage pregnancies. We can spend a whole hour, a whole day talking about young women having babies, babies having babies. And what we see are generations of children just coming into the court, out of the court, in the court. So we have to address that problem.

Be concerned about proper food resources. We all know that children cannot learn if they are not fed properly, if they can't have a decent lunch.

Be concerned about Federal, State, and local expenditures for public education. That is a whole other topic that certainly relates to delinquency. There is a correlation between a poor school system and delinquency. There is a correlation between unemployment and underemployment and delinquency. You cannot treat the system, isolated from these other problems, because all these factors go into bringing about the kinds of desirable results that we like to see.

When the school system is not adequately equipped to meet the early learning problems a child brings to school with him—remember, many of these children are coming from disadvantaged situations. They come to school with handicaps in the first grade and in preschool grade. A cycle of deterioration and failure may be set in motion.

The way in which the school responds to early signs of misbehavior may have a profound influence in either directing the youngster from, or propelling him along the path to a delinquent career. Thus, we must equip our schools to spot troubled children. I am talking about diagnostic services and testing and counseling. And once those children have been identified, then remedial services can be brought into the picture.

Assistance that begins at preschool ages, at kindergarten and so forth, society should continue to devote to our schools the resources necessary to make them well-equipped and staffed with the best teachers and professionals.

We need to extend the use of school facilities beyond the normal school day. It is sad to walk around the schools and see the high fence and locked in schoolyard. It is too bad that most schools cannot be staffed for education by day and staffed for community services by night. It is too bad that we cannot have more neighborhood-based models of the old settlement house concept where persons can come in—and that is where we need funding, especially for those families that have become involved in the system, where we have the additional need of community-based programs where they can go in and acquire those skills and then return to society and reintegrate in society.

We as a nation need to act as we speak. Our children and those children of our less fortunate brothers and sisters are our Nation's most important resource and we are all responsible for attending to that resource.

This summarizes my comments regarding the needs of youth. Now, let me turn to the local efforts our court has worked to improve community service to youth.

Locally the court has been making efforts to coordinate services to children and to establish more services. Inhouse, we have implemented here in Orleans Parish Juvenile Court our Protective Care

Monitoring Program, staffed by professional social workers and designed to bring better and coordinated efforts to bear on the court's neglect and abuse cases. But again I point out, the hope of reducing neglect and abuse rests primarily in the area of prevention.

If we did not have this program in place—I am talking about our present program—we could not have implemented the Public Law 96-272 at all. As it is, we have three professional workers trying to coordinate some 1,400 cases.

Additionally, the court has established two committees here in Orleans Parish. We have established or reestablished our advisory board of a cross-section of outstanding civic leaders, who come together quarterly to learn more about the court and to serve as spokesman for the court.

Because we are aware of what community education and public awareness is all about. This action was taken in an effort to keep the public informed as to our work, the problems and the needs, and still maintain confidentiality of juvenile matters mandated by law.

A second committee is composed of representatives of youth-serving agencies with whom the court regularly does business. This group we have organized is to serve as the clearinghouse for procedure and operational matters pertaining to the processing of court cases and to give these agencies ready access to the court's judges and staff outside of the courtroom setting.

In conclusion, society's efforts to control and combat delinquency, reduce the amount of child abuse and neglect, and combat other problems may be seen as operating at three levels.

As we have just discussed, the first and most basic is the area of prevention. Prevention involves the provision of a real opportunity for everyone in this country to participate in the legitimate activities that in our society lead to a good life. And we are talking about good education, recreation, employment, strong family life, and quality education.

Society must continue to provide our court system with sufficient resources to guarantee not only an effective system, but an efficient system.

And finally, we must continue to respond to the special needs of youths with special problems. For each youth, it is imperative that society furnish help that is particularized enough to deal with their individual needs but not separate them from their peers and label them for life.

Thank you for permitting us to share these thoughts with you this morning.

Mrs. Boggs. Thank you, Judge Armstrong. Would you have time for Judge McGee and Ms. Foxall to come and serve as a panel with you and then when they have completed their testimony, to respond to questions from the Committee?

Judge Armstrong. Yes.

Mrs. Boggs. Thank you so much for an absolutely beautiful testimony and very enriching to all of us.

Judge McGee and Ms. Lois Foxall, would you please come and join Judge Armstrong at the table?

[Prepared statement of Judge Joan Armstrong follows:]

PREPARED STATEMENT OF JUDGE JOAN ARMSTRONG, JUVENILE COURT, NEW ORLEANS PARISH

State Statute assigns all matters pertaining to Juveniles in Orleans Parish to the Jurisdiction of the Orleans Parish Juvenile Court. This includes Delinquency, Children in Need of Supervision, Neglect and Abuse, Abandonments, Termination of Parental Rights, Adoptions, Non-Support, and Traffic matters.

According to the 1983 Annual Report of the Louisiana Supreme Court 40,942 new juvenile cases were filed throughout the state in 1983. Twenty-five percent (9,986) were filed in Orleans Parish. An increase of some 600 more cases than in 1982. According to the most recent reports from two Louisiana Departments of Health and Human Resources, one-third of all neglect and abuse cases state-wide are filed in Orleans Parish. Neglect and Abuse matters and non-support matters once opened—stay open usually for years after initial adjudication and disposition. So in addition to any new matters this Court at present has active some 1400 Neglect and abuse cases to supervise, and likewise 10,500 non-support cases to supervise.

Yes, I am aware that you are interested in the needs and services to Youth. But bear with me, our Court is one of those service providers.

Concurrently with the increased filings much needed review processes at both state and national levels have been implemented during the past two years. Most notable is Public Law 96-272 which mandates reviews of all cases of all children in state custody due to neglect and abuse. But no funds were allocated to local courts to implement these reviews.

Additionally, over the past few years community based services essential to Court services have been dwindling. Most notably those of indigent defenders—which place courts in a Catch 22 position of needing to move cases within time frames prescribed by statute and still guarantee due process—and mental health services. The latter cuts across the board insofar as the continuance of prevention—evaluation and treatment needed for the many troubled individuals—adults and children the Court sees daily.

Overlaying this entire situation is the economic recession our Nation has experienced. Not only does it impact on the Court in terms of increased care referral—especially in neglect and abuse matters—but public funds are not available to address Court operational needs. I am not talking about new services—but just trying to maintain existing services. Our Court staff has received one 5% raise in the past two years.

Thus I plead with you—as you look to the need for services to address the needs of youth in our communities, do not overlook the needs of the Court charged with intervening into the lives of children which have deviated from what our society deems acceptable.

In my introductory remarks I noted the wide range of cases the Court addresses. The variety and range of problems youth exhibit is endless.

Often many youths who appear in our Court are doing badly in school Their grades are below average. Many have dropped one or more classes behind their classmates, or dropped out of school entirely. Many of them have learning disabilities or other adjustment problems. Their social histories reveal youngsters whose disability goes undetected and end up entangled in a cycle of failure and frustration. Many don't make it. They become a statistic. Once alienated many find their way into the juvenile justice system.

Many youths who appear in our Court tend to come from a background of social and economic deprivation. Many live in situations associated with undesirable conditions of life. Such as poor housing, lack of adequate recreational facilities and programs, high unemployment and poverty. Also, their families are failing. The family is no longer serving as agent of social control. The family unit simply is not operating effectively. There is an absence of love and communication, and the youth may not have a constructive or meaningful interpersonal relationship with a single, responsible adult. In many instances one parent is absent, usually the father. If the family is intact, there exists deep unhappiness and marital discord.

There is also a lack of discipline in the home. On one hand, child rearing practices are very permissive. The child is on his own, in charge of his own affairs, from an early age. On the other hand, the childrearing practices are very stern—many times reinforced physically, resulting in serious physical abuse.

By the time many youngsters reach our Court they have most likely experimented with drugs and alcohol and may even be deep into the drug scene, or a confirmed alcoholic.

But in the final analysis the needs and problems of these children are no different than any other child, at least initially.

Each child needs proper food, shelter, and basic medical care starting from conception. Each needs consistent security in a family setting.

A family can take many forms—but someone needs to be "there" for a child, to provide physical necessities and be the vehicle by which the customs and skills needed for at least minimal survival within acceptable boundaries in our society.

Sadly, the Court does not see most cases—even in the instance of infants—until severe damage is done. Done beyond any real repair.

Human skills do not extend to mending brains damaged by repeated blows, or nervous systems that did not develop properly due to poor nutrition. Or to fully change the emotional "set" of a child who has learned that if he is to survive he must get it for himself and so attacks others as he has no skills to do for himself by acceptable means.

As a Judge, a mother, a citizen who is deeply concerned and who has seen and heard seemingly endless reports of the horrors we commit against our children and others in our society, I am not for a moment suggesting we give up on our damaged children.

But most of the damage is done before I see the individuals involved.

Thus, while we need to maintain good treatment facilities—hospitals, foster care, and group home settings, and the skilled professionals needed to staff these facilities, we also need to look to prevention. Clearly it is with young people that prevention efforts are most needed and hold the greatest promise.

Be concerned about employment needs. Reducing unemployment and underemployment is imperative both to enable every adult to make a decent living, and to interrupt the poverty and disadvantages that unemployment and financial dependence passes on from generation to generation.

Real improvement requires not only preparing youth for employment and equipping potential workers with the skills to hold existing jobs, but also making jobs available where none exist.

Be concerned about good child care services for the working parent—affordable services.

Be concerned about adequate housing—free of lead paint and rats.

Be concerned about adequate medical services—services that begin before a child is born with proper pre-natal care.

Be concerned about mental health and other services that provide support to parents trying to raise their children.

Be concerned by the growing problems of teenage pregnancies.

Be concerned about proper food resources—that school lunch may save a child.

Be concerned about federal, state, and local expenditures for public education.

When the school system is not adequately equipped to meet the early learning problems a child brings to school with him, a cycle of deterioration and failure may be set in motion.

The way in which the school responds to early signs of misbehavior may have a profound influence in either directing the youngster from, or propelling him along the path to a delinquent career. Thus, we must equip our schools to spot troubled children at the earliest ages possible and to bring remedial assistance to bear.

Assistance that begins at the pre-school ages—at the kindergarten, and before if you will. Society should continue to devote to our schools the resources necessary to make them well equipped and staffed with the best teachers and professions.

We need to extend the use of school facilities beyond the normal school day. It is too bad that most schools can't be staffed for education by day, and for community service at night. It is too bad that we do not have more neighborhood based program of the old settlement house concept.

We, as a Nation, need to act as we speak. Our children and those children of our less fortunate brothers and sisters are our Nation's most important resource, and we are all responsible for tending to that resource.

This summarizes my comments regarding the need of youth. Now let me turn to local efforts our Court has worked to improve community services to youth.

Locally the Court has been making efforts to coordinate services to children and to establish more services.

In house, we implemented our Protective Care Monitoring Program staffed by professional social workers and designed to bring better and coordinated efforts to bear on the Court's Neglect and Abuse cases.

If we did not have this program we could not have implemented 96:272 at all. As it is, we have 3 individuals trying to coordinate some 1400 cases.

Additionally, the Court has established two committees: An Advisory Board of a cross section of outstanding civic leaders who come together quarterly to learn about the Court and to serve as spokesman for the Court. This action was taken in an effort to keep the public informed as to our work and still maintain confidentiality of juvenile matters mandated by law.

A second committee is composed of representatives of youth-serving agencies with whom the Court regularly does business. This group is to serve as a clearinghouse for procedure and operational matters pertaining to processing of court cases, and to give these agencies ready access to the Court's Judges and staff outside the Courtroom setting.

CONCLUSION

Society's efforts to control and combat delinquency, reduce the amount of child abuse and neglect, and combat other problems may be seen as operating at three levels.

1. The first and most basic: Prevention—involves provisions of a real opportunity for every one to particiate in the legitimate activities that in our society lead to or constitute a good life: good education, recreation, employment, strong family life, and strong school programs.
2. Society must continue to provide the Courts with sufficient resources to guarantee an effective and efficient system of juvenile justice.
3. We must continue to respond to the special needs of youths with special problems.

For each youth, it is imperative to furnish help that is particularized enough to deal with their individual needs but not separate them from their peers and label them for life.

STATEMENT OF HON. THOMAS McGEE, CHIEF JUDGE, JUVENILE COURT, JEFFERSON PARISH, LA

Judge McGee. Ms. Lois Foxall is here with me. My name is Tom McGee. I am a judge of juvenile court out here in Jefferson Parish, the bedroom community to New Orleans.

We welcome Mr. Miller and Mr. Anthony to the city that care forgot. And I think you will enjoy it down here. I appreciate the opportunity to——

Mrs. Boggs. It is also the city that cares.

Judge McGee. And the city that also cares. You know, that is true. When I first came to New Orleans, coming from north Louisiana down here, I never could figure out what that meant. They used to have it over the railroad station. You know, the door of the railroad station down here and I don't think my parents ever adequately explained it to me either, what it meant.

But when I saw that—when I saw my first Mardi Gras, I knew exactly what it meant.

We appreciate the opportunity to discuss issues with you.

Mrs. Boggs. Judge McGee, your reputation precedes you, as does Ms. Foxall's. And of course I have been pleased to work with you in several regards. We are also very grateful to you for encouraging Dorothy Crawford to come and join us today. I am sorry she isn't with us yet, but she will be later.

Judge McGee. Thank you, Mrs. Boggs. And we appreciate the opportunity to speak. Dorothy will be here. She called and confirmed that she is on her way. Her plane doesn't arrive until 10 or 10:30. And I told her since I was going to have to testify early, I wouldn't be able to pick her up.

We did want the opportunity to talk to you all about some of the things that we feel are important in the areas of prevention, early identification of children with potential problems and some of the things that we are doing in Jefferson Parish at this time, after we find the children.

At the onset, I think that all of us who work in the field of juvenile justice would agree that once we see a child at 13 or 14 years of age in a delinquent situation, this is usually a symptom of problems that have been going on in the child's life.

As our society is constructed in the United States there are probably at least two entities besides the family that have substantive contact with the child and that could observe problems in the child's life, prior to the child being brought before the juvenile justice system. These entities are the school systems and the social service systems of this country. And within the social service systems of this country, I will also include the medical communities.

I would like to discuss my views as to how the juvenile justice system, the school systems, and the social service systems of our country need to work together to identify children at risk, at the earliest possible time, and to intervene in their lives in the most minimal way to accomplish prevention of delinquency and abuse. This is important.

From a chronological standpoint, it appears to me that the social service agencies, and more particularly the agencies that deal with child abuse, and the school systems may have an opportunity to observe abused children at the same time.

It is obvious however that preschool children who are abused and neglected will only be able to be identified by the social service agencies and the medical facilities. The school-age children may be simultaneously identified by medical people and the social service agencies and the school systems.

We, in Jefferson Parish, have been attempting to develop a relationship wherein the school system and the child protective services, as well as the medical community, have established a network to identify abused and neglected children. We have worked in cooperation with our local district attorney's office and in publicizing these efforts to identify abused and neglected children as well.

The reason that this is important in the juvenile justice field is that it is common knowledge that people who have been abused and neglected when young, tend to abuse and neglect their own children. It is also fairly common knowledge that a great percentage of the adult criminal population have been victims and have been abused and neglected. And I think if you all will refer to some of the recent television semidocumentaries, if you will, on the serial murderers, you will find a very interesting correlation by men who have been abused, particularly by their mothers. And this is the type of thing that is most frightening and it is most dramatic.

It is probably not the thing that occurs most frequently in our society. It is probably an infrequent occurrence, but it dramatizes the problem.

Therefore, it only stands to reason that if we can identify these victims and successfully intervene in their lives at an early time and in the most minimal way possible, we may be able to reduce significantly the rate at which they become perpetrators.

This sounds like a very simplistic idea and as a matter of fact it is. The complications, as I perceive these things, occur in our attempting to establish the relationships to accomplish these purposes, between the juvenile justice system, the medical community, the social service agencies, and the educational system.

I don't think that any of us in the field of juvenile justice and any of us that deal with abused and neglected children would seriously question the principle that early intervention in an appropriate way—in an appropriate way—can be helpful to reduce neglect and delinquency.

The big problem is: How do those of us responsible to accomplish this purpose communicate with one another? Also, a big problem on my mind: At what point in a child's life should the judicial system be employed and to what extent should it be employed to modify the conditions of the child's life?

I think we can rush headlong into a situation and have a child wrapped up in the juvenile justice system too quickly sometimes and we complicate further the child's life.

The big question in my mind is: To what extent should the juvenile justice system be employed to require other agencies, such as the educational and social and medical personnel of the community, to cooperate in this endeavor of early identification of children at risk?

I think it is common knowledge that most organizations tend to perpetuate themselves and inertia tends to prevent us from taking a look at our own shortcomings. Again, to what extent should the juvenile justice system, as a court—because that is what we are—be employed by advocates to compel social service agencies and educational systems to accomplish early identification and meaningful intervention in the child's life?

Generally speaking, it has been our experience in the juvenile justice field that up to about 12 years of age children tend to be victims. We think it is uncontroverted and only common sense to believe that if a human being is treated in a cruel and vicious manner and/or seriously neglected, that he will react by doing much the same things as he arrives at adulthood.

Obviously this does not hold true in all cases. And I don't mean to imply that anything I say is a hard and fast rule as to any one individual. Suffice it to say though that if a child is beginning to commit violent crimes at age 13 or 14, and this is because he has been a victim himself, it only stands to reason that if we can identify these victimizing conditions early and intervene where necessary in the manner necessary, it is possible that we can accomplish some prevention.

It is axiomatic that the juvenile justice system cannot identify these children without the assistance of the medical, educational, and social services. If we do not know about a problem in the juvenile justice system—and we do not have the broad-based contact to see these children on a daily basis—there is just no way that we can intervene in an intelligent manner.

As an example, I might point out that in Jefferson Parish we are concentrating more particularly in working with the school system to identify habitually truant children. We have developed a committee of the Jefferson Parish juvenile judges, the district attorney's office, the school system, to try to identify these children.

I am told that last year, by the officials of the Jefferson Parish School System, that on any one given day in Jefferson Parish, approximately 11 percent of the public school children are habitually truant. Now, this does not include the kids who have been so habitually truant that they are now expelled, because they are not carried as truant. So they are habitually truant.

Now, last year there were approximately 56,000 kids in the Jefferson Parish School System and another 40,000 in parochial school systems. So just in the Jefferson Parish Public School System, on any one given day, it is safe to assume that 6,000 kids are habitually truant and they are out there wandering the streets somewhere.

We know their habitual truancy is merely symptomatic of far more serious problem or problems in the child's life. We need to identify these problems at the earliest possible time and have appropriate intervention in the child's life and in the child's family, where necessary.

On a State basis, the Louisiana Council of Juvenile and Family Court Judges and the Department of Health and Human Resources has for the last 18 months had a working joint committee—and I have had the privilege of chairing that—to establish procedures to continually review children who have been removed from the legal custody of their parents and placed in the custody of the State. These are abused and neglected children.

This joint relationship between the courts and the social service systems, although not curing all ills, has at least accomplished to a great extent a standardization of procedures used by the courts of juvenile jurisdiction in this State to review the conditions of the children who have been placed in this State's care.

Mr. Don Wydra, who will be here today as well testifying, was at that time with the Department of Health and Human Resources and greatly assisted us in accomplishing these purposes.

I feel that a great deal of refinement of this procedure that I have just discussed about reviewing children that have been taken from the custody of parents, has to be accomplished. And to this end, the juvenile court judges in this State—approximately six jurisdictions—are experimenting with such things as citizens review panels, to assist the courts in reviewing these cases and to see to it that the social service agencies are accomplishing the things that should be accomplished in the child's life.

With regard to the working relationship between the juvenile justice system and the educational system, it appears to me that these two systems have to have the most tightly woven symbiotic relationship possible to accomplish any meaningful early identification and intervention in the child's life in order to prevent delinquency and abuse and neglect.

It is fundamental that the educational systems primarily have the opportunity to see these children first-hand evidencing characteristics that can eventually lead to delinquency and that may already indicate neglect and abuse. These systems see such subtle forms of neglect as psychological and sexual abuse.

It is necessary that our educational systems provide a child an education appropriate to his needs. The educational systems of our country must live up to their statutory responsibility of providing education appropriate to a child's needs and abilities on an individual basis.

This is whether or not a child be a slow learner, a gifted and talented child, a child with specific learning disabilities, or visual or hearing impairments, or any other identifiable needs. Without identification and remediation, it is unquestioned that a child is going to fail, and more tragically, will probably develop more serious coping and emotional problems, which in turn may result in more serious problems in the child's life.

Such placements must be done—educational placements must be done on a timely basis, to avoid losing valuable time. If the testing takes 2 months of a school month, this is really approximately one-fourth of a full school year. It is too long a period for a child to be in limbo without receiving appropriate educational attention. And we must understand that when we are talking about a 5-year-old child, 1 month in his life seems like a great deal more time than 1 month in our life.

There has been a very fine study already done entitled, "The ACLD and RD Project Summary (A Study Investigating the Link Between Learning Disabilities and Delinquency)." And this was funded by OJJDP and it was done by Dorothy Crawford in her RD Committee and other members of OJJDP, as I understand.

This is another thing, that I understand there is a great deal of talk about completely doing away with the Office of Juvenile Justice, Delinquency, and Prevention. I think this is absolutely tragic and I think this may be a comment on our priorities in this country.

I think if we are not concerned enough about the youth of our country to fund appropriate agencies to continue to examine the problems that we deal with and in working with things just like we are talking about, then I think it is a statement as to our priorities and we must really take a look at this.

Dorothy Crawford's project, which points out a link between the children with learning disabilities and juvenile delinquency. I don't think that the only children that are adversely affected by failure to identify their needs are children with learning disabilities. I think children with low IQ's who are not being provided with appropriate education are set up for failure.

I guess that the great bulk of the kids that we see in juvenile court are kids that would be referred to as slow learners. As an example, a most frustrating thing to me is—in our present educational system in Louisiana—is to be told that I have a kid with an 80 IQ. He is never going to get 8 or 10 or 12 Carnegie credits in his life, but I have to wait until he is 16 years of age or he gets 8 or 10 or 12 Carnegie credits before I can get him into a vocational school where he may succeed very well. And that is the most frustrating thing in the world. Because we are just absolutely sitting here torturing a child and we are setting him up for failure.

We, in Jefferson, in the Jefferson Juvenile Court system, have established a school that the juvenile court runs. Ms. Foxall is the director of our juvenile court services. And during the question and answer period, we would like to elaborate a little bit more on what we do there. And after a child is adjudicated, a delinquent or a status offender, he can be placed on probation and placed within our jurisdiction and in this school.

And we try to start teaching the child things that either can get him back into a traditional school setting, or if we can't do that, to get him some skills where he can go out in life and skills that are usable.

And invariably the situation that we see there are kids with such low self-esteem and such low self-concept that this is the thing that we have to penetrate first. Because they have simply been set up to lose, time and time again. We must remember that the way our society is set up in the United States right now, the be all and end all of a child's existence, up until about the time he is 16, is school, is formal academic school. And if he fails there, he is considered a failure at everything else. And you simply can't have human beings, set them up for failure time and time again, without having some serious emotional spinoff that is going to develop into behavior that affects the whole community, adverse behavior.

Thus, the ultimate effect is that we are traumatized by the learning conditions and these kids are being traumatized continually by the learning conditions and then set free in a world in which they are unable to cope.

Just what responsibilities do the school systems have to identify the specific needs of any one child? Well, the law is quite clear on this subject. Every child is entitled to an education appropriate to his needs and capabilities. Then if a school system in any given particular community is not accomplishing this, I suggest that advocates for these children in that community should use the juvenile courts of that community as a forum to obtain an education appropriate for their clients.

Right now juvenile courts are used as a forum to obtain social services the children need who have been abused and neglected. When you consider the complex nature of our society, it appears to me that imprisoning a child in a classroom day-in-and-day-out, without providing for his needs, is certainly a form of neglect, if in fact not abuse.

If appropriate social services can be provided to youth to assist them without the use of the court, then so much the better. And if appropriate education can be provided to the youth of our country without court intervention, then this is the way things should be accomplished.

However, the courts of our country have always been conscious of—and their very existence is for the purpose of insuring human rights and liberties. In my opinion, one of the paramount responsibilities of the juvenile justice system is to insure that those within its jurisdiction do receive appropriate services to prevent their abuse and neglect and that the courts should be used by advocates for these children who need it.

To this end, for example, only recently the Foundation For Children With Learning Disabilities extended two grants of approximately $45,000 each, one to the National Council of Juvenile and Family Court Judges and the other to the American Bar Association.

The first is for the training of juvenile court judges to be aware of their responsibilities to children with learning disabilities and what they can do to insure that these children receive appropriate education. The other grant is for the training of advocates in the representation of children with learning disabilities.

I think that we all agree and we understand that if we can identify a problem early and do something sensible to attempt to correct the problem early, then the chances of correcting these problems are greater and they are less costly.

In this case the cost is not merely dollars and cents, the cost is human misery and suffering.

We in Jefferson Parish are not so pollyannaish as to think that we are going to solve all the problems of the world. But at least we have to start trying to understand what the problems are and the things that we can do to teach human beings how to live more happy and productive lives.

I agree with Carl Sagan when he talks about—when he makes the commentary that we understand least this wonderful mind that human beings have, that allows us to know so much of the universe about us. We understand least this wonderful mind that causes us to do so many of the good and the atrocious things that we do to ourselves and to others.

I suggest that it is time that we start taking a serious look at some of our motivation and why we do some of the more tragic things we do to ourselves and others and see if we can understand what causes some of these actions. Then let's see if we can change some of our behavior as a society and to learn to live a more agreeable existence.

If this is not important and only technological advancements and economic considerations are foremost in our thinking, then these things should be given low priorities in our society.

If on the other hand, we feel that our society does have a problem with patterns of behavior that seriously affect our well-being and our happiness, then I suggest we spend time, money, and energy in trying to understand these patterns of behavior that adversely affect us.

I suggest that there is no better place to do this than with young children, and this means a strong working relationship between the juvenile justice system, the educational systems, and the social service and medical systems of our country. This also means that it takes funds to do these things and research and this means that we need things like OJJDP.

Ms. Foxall and I are here to answer any questions, with Judge Armstrong, that you all might have.

Mrs. Boggs. We thank you very much, Judge McGee, for a powerful testimony. We are very fortunate indeed that you chair the commission. We are very grateful to you for all the work that you do and the message that you bring to many forums throughout the United States.

We are so pleased to have you with us, Ms. Foxall. She is the director of the Jefferson Parish Juvenile Court Services and the facility to which Judge McGee referred is really her institution.

It is a remarkable institution and I am sorry that the committee doesn't have an opportunity to go out and visit with you today.

Ms. Foxall. Perhaps later.

Mrs. Boggs. Mr. Miller, would you like to start off the questioning?

Chairman MILLER. Thank you, Madam Chairman. Thanks to the entire panel. As Congresswoman Boggs pointed out, it is very, very powerful testimony.

You mentioned Public Law 96-272, which I have a particular interest in. With respect to the case plan reviews, Judge Armstrong, many States are now reporting, as a result of the mandate in 96-272 to provide additional child welfare services, a reduction in the actual number of children—especially young children—entering foster care. However, it also seems there is an increased demand being placed on those child welfare services. Is that happening here also?

Judge ARMSTRONG. Well, it is difficult for me to answer that question because we haven't developed any statistics along those lines. But certainly this law has assisted the court in examining the methods upon which we are removing children from home and requesting that the child welfare agencies make the necessary efforts to prevent removal and only do so when it is—when a child is at great risk and great harm may result.

We have also noticed that we are placing great demands on the child welfare agencies in providing the necessary services, in terms of mental health services and prevention services for families in crisis.

So I think in the long run you probably will see a reduction of children entering foster care and also you will see a greater movement of children out of foster care, into permanent home situations, as we have found that children certainly have a right to have a permanent home and permanent placement. And that is what the goal of 272 is all about, in accomplishing that particular result.

Chairman MILLER. In Public Law 96-272, the court does take jurisdiction over a case with a 6-month review period, and has a dispositional hearing. I wonder what the powers of a court are in terms of mandating a case plan with respect to children who are not subject to the questions of foster care but who come to you unfortunately to be adjudicated. Do you have authority to direct a school system to do medical screening or provide related services?

Judge McGEE. Is the question directed to me?

Judge ARMSTRONG. Either way.

Chairman MILLER. To you. You raised the issue of having to wait until you can make a formal finding that the child is a delinquent, even though in your mind this child might not be a delinquent, and then at that point, if their self-esteem isn't low enough, you can crush it and only then send the child off to services they can benefit from, whether at school or elsewhere.

Judge McGEE. That is an interesting point, Mr. Miller. One of the things that I am advocating to juvenile court judges is that I think they do have authority, for example, in this country, to seek——

Chairman MILLER. It is a rather expansive view of your role, that I happened to like, but I just wonder if it is being used.

Judge McGEE. Yes. And let me tell you that some of my brethren don't really like it and I have a difficult time selling it to them. They don't want to get involved with school systems. They don't want to take them on.

But my view is this: If I have a child within my jurisdiction and he is not receiving an appropriate education, he is being abused and neglected. Then I have an obligation as a judge. He is within my jurisdiction, a child in need of care. That may be what he is at that point in time and I think that if the child is not receiving an appropriate education, he is certainly a child in need of care.

And I think with appropriate advocacy, possibly using a mandamus proceeding and possibly using a class action in conjunction with a mandamus proceeding, that may be a vehicle we could use.

One of the things that I did want mentioned too, you had asked Judge Armstrong about removing a child and I think Judge Armstrong had answered that we all agree that we want to try to keep the child there. Now, one of the problems that we run into in Jefferson is that there is always the administrative problems within social service agencies. They don't have the money to do that.

So what we did in Jefferson, for example, we set up a little fund out of our juvenile court expense fund of $1,500 to just be an example. We wanted to try an experiment?

We said, we want to set up $1,500 over a 6-month period and you at DHHR, the workers, if you have a situation that is an immediate crisis, but only requires a few hundred dollars to overcome—for example, lights and gas are going to be shut off, et cetera, et cetera—we don't want to take these children in custody.

You come to us and simply give us a bill or something like that and we will authorize this to be done. There were five or six instances where that was used and the children were not taken out of home. We were trying to convince the DHHR and people of that nature that let's use this money up front in the most minimal way and not get the——

Because we all know—and Judge Armstrong I am sure would agree—that once we get the child out of the custody of the parents—and I am sure you are familiar with this, Mr. Miller—that is a problem. It takes a great deal of time to get the child back, unfortunately.

Chairman **Miller**. Well, you know Louisiana is famous for the Gary W. case, in which you brought your children home to Louisiana. It was the basis for Public Law 96-272.

I think it is interesting in both your testimonies that there is the suggestion, after a raging debate in this country for the last decade about governmental intervention in the family, that the earlier, from your perspective, the intervention is made, the more minimal that intervention, in fact, can be, both on its impact on the child and on the family structure.

But again, if we look at an expansive role for you, it would seem to me that the school systems—they are not going to like to hear this—but under the Education For All Handicapped Children Act, are required to provide an appropriate education—to use your phrase and the law's phrase.

And again, I think it is a question of whether we start looking at the failure to do that for some children as in fact a handicapping condition. Many of the children you see might come under the definitions of that law, but the school systems—I assume here, like everywhere else—are under a great deal of financial strain and cannot provide the necessary interventions.

Nevertheless, as you point out, to continue them in an inappropriate education is to multiply the original problem, whether it is a reading difficulty or comprehension difficulty or what have you.

And I am quite intrigued by the idea because I think it is clear, as well-intentioned as social services are and as understaffed as they are, that there has got to be some control and directing point. And I think that is one of the things that we tried to incorporate into Public Law 96-272.

In my area of the county, the average 6-month review, that was already a mandate in the law, took a little less than 6 minutes and that clearly was inadequate. There was no one in charge.

And where we saw the use of citizens review panels to come between the judge and the people proposing the plan, we saw much more dramatic change in the status of that child and in the comprehensiveness of that plan, by somebody saying, wait a minute, let's review this.

And just so much of your testimony seems exactly on the right track. Our goal should be to act before they are 16 and an adjudicated delinquent, so we can direct a plan of reform that has a chance of working.

Judge McGee. One of the observations I might make is with the school systems, it is kind of interesting that within the administration and within the boards and everything, of course they are threatened by this concept. But with the professionals—for example, Barbara Turner, who is now the director of our special education in Jefferson Parish, she really welcomes a court in here—you know, if you can sit down and work these things out—and she really welcomes, I think, having the advocacy of people like Jim Galligan and the Association for the Development for Disabled, who are taking on advocacy in Jefferson Parish.

Because the professionals who work with the children are, I think, in agreement with the juvenile justice people in the understanding of what we need. And I think they see that we can help them.

And again, if we don't have to do it in a formal court setting, it is all well and good, but I am prepared, as a judge, to entertain advocates. And as a matter of fact, I maybe have gone too far in fostering advocacy, but that is OK.

Chairman Miller. Let's see if we can spread the word and then you won't be condemned for it.

Judge McGee. One of the grants that I mentioned to you from the Foundation for Children With Learning Disabilities is specifically to train judges. And that is what I am going to do. I have been doing it unofficially for the last 2 years. There are a couple of us that have a dog-and-pony show, as we call it.

There is a psychiatrist, John Zakorski [phonetic], from out in your part of the country, from San Francisco, and John and Mario Pasqual [phonetic] from down in San Diego and I have taken this dog-and-pony show on the road for the last 2 years to judges. And now we are getting some funds to do this. And also the ABA and Howard Davidson is going to be training some advocates.

And when they ask me at the foundation—I am on the board of directors there—when they asked me they said, well, we don't know if we will have enough money to fund both judges and lawyers, I said, I need both. I need the lawyers to prod the judges and the judges to prod the lawyers. And then they, in turn, prod the school system.

Chairman **Miller**. Thank you.

Judge **Armstrong**. I would like to echo the comments that Judge McGee has said. I think as judges, we must remember above all that we are advocates of children and it is absolutely necessary that we mandate that programs be provided and services be provided to those children that are in need of special services.

I would like to add also that I hope that we will consider increasing funding for child advocacy programs, especially where we are talking about substitute care, institutionalization and foster care services and group home settings, to make sure that we have adequate funding for our child advocacy so that those children that are in placements can receive the appropriate treatment in accordance with their needs and problems and difficulties.

I think that is what being a judge is all about, that in addition to sitting in the courtroom, that you have a responsibility to the community and to the children and to the families to serve as advocates on their behalf and, if necessary, mandate and request that and so order that agencies provide the necessary services and case plans.

And if at all possible the court should be used, as I feel, as a last resort. That agencies and the community, society has a responsibility to provide those services and if it becomes necessary, then call upon court intervention.

Chairman **Miller**. My concern is that the courts are being used as a last resort and I am afraid too late for most of these children. If the courts would keep that in mind when the initial contact comes, or if advocates for children would consider asking the courts to lay out a prescription for those children, then you wouldn't necessarily be the last resort.

Again, in Public Law 96–272, we had to adjudicate families unfit so that we could get them a Federal subsidy, and get their children taken away from them. Had we started months and years before, we never would have had to make that determination about that family.

So very often it was a little tiny problem. We've seen so many children—I am sure you have seen them—that started out with bad manners in school and then ended up in secure facilities.

Judge **Armstrong**. Well, I know when we have a child that is referred to the court in terms of truancy and other behavioral problems in the home and the school, our first question is we would like to know what have you accomplished, what have you tried to do for this family?

And that is what we are talking about in terms of getting the court involved. I think the court has a responsibility to ask of agencies and especially our schools and social services, that when you are referring a child to the court, we would like to know exactly what have you presented. What kinds of things have you tried to accomplish with this family. And lay that out in terms of presenting a case plan to the court.

Because we feel that that community, that agency has a responsibility, and especially our school systems, to go forth and to show us exactly what is being done with this particular child and with this family and then we move forward.

Chairman **Miller**. Thank you.

Mrs. **Boggs**. You know that Ms. Foxall has played a key role in organizing a continuum of services that are tailored to the needs of the trouble youth who do appear before the juvenile court. She probably has some good ideas to share with us about how you go about organizing all the various agencies that are out there and bring them to the particular child in a particular instance.

[Prepared statement of Judge Thomas B. McGee follows:]

PREPARED STATEMENT OF THOMAS P. MCGEE, CHIEF JUDGE, JUVENILE COURT, JEFFERSON PARISH, STATE OF LOUISIANA

Suggestions for the development of working relations between juvenile justice systems, educational systems and social service systems and the medical community to identify children at risk for the purpose of minimal early intervention to reduce delinquency and incidents of abuse.

At the onset I think all who work in the field of juvenile justice would agree that once we see a child at 13 or 14 years of age in a delinquency situation this is usually a symptom of problems that have been ongoing in a child's life.

As our society is constructed in the United States there are probably at least two entities besides the family that have substantive contact with children, and could observe problems in a child's life prior to a child being brought before the juvenile justice system. These entities are the school systems and the social service system. Within the social service systems, I have included the medical community.

I would like to discuss my view of how the juvenile justice system, the school system and the social service systems of our country need to work together to identify children at risk at the earliest possible times and to intervene in their lives in the most minimal way to accomplish prevention of delinquency and abuse. From a chronological standpoint it appears to me that the social service agencies, and more particularly the agencies that deal with child abuse, and the school systems may have an opportunity to observe abused children at the same time. It is obvious that pre-school age abused and/or neglected children will only be identifiable by the social service agencies and the medical facilities. The school aged child may be simultaneously identified by medical people, social service agencies, as well as the school systems. We in Jefferson Parish have been attempting to develop a relationship where the school system and the child protective services as well with the medical community establish a network to identify abused and neglected children. The reason this is important in the juvenile justice field is that it's common knowledge that people who have been abused and neglected when young tend to abuse and neglect their own children. Also, it is fairly common knowledge that a great percentage of the adult criminal population have been the victims of abuse and neglect.

Therefore, it only stands to reason that if we can identify these "victims" and successfully intervene in their lives at an early time we may be able to reduce significantly the rate at which they become perpetrators.

This sounds like a very simplistic idea and as a matter of fact it is. The complications actually occur in attempting to establish the relationships to accomplish these purposes between the juvenile justice system, the medical community, the social service agencies and the educational community. I don't think that any of us in the field of juvenile justice and any of us that deal with abused and neglected children would seriously question the principle that early intervention in an appropriate way can help reduce abuse, neglect and delinquency.

The big problem is how do those of us responsible to accomplish these purposes communicate with one another. Also, at what point in a child's life should the judicial system be employed and to what extent should it be employed to modify conditions of a child's life. The big question in my mind is to what extent should the judicial system be employed to require other agencies such as the educational, the social and the medical personnel of the community to cooperate in this endeavor of early identification of children at risk.

Generally speaking it has been our experience in the juvenile justice field that up until about 12 years of age children tend to be victims. We think that is uncontroverted and only common sense to believe that if a human being is treated in a cruel and vicious manner and/or seriously neglected that he will react by doing much the same as he arrives at adulthood. Obviously this does not hold true in all cases. I don't mean to imply that anything that I may say is a hard and fast rule for any one individual. Suffice it to say that if a child is beginning to commit violent crimes at 13 to 14 years of age and this is because he has been a victim himself, it only stands to reason that we have to identify these victimizing conditions early and intervene when necessary and in the manner that is necessary. It is axiomatic that the juvenile justice system cannot identify these children without the assistance of the medical, educational and social service community.

As an example I might point out that in Jefferson we are concentrating more particularly in working with the school system in Jefferson Parish to identify habitually truant children. I am told by the school officials that on any given day approximately 11% of the total public school population is habitually truant. In Jefferson Parish this translates to approximately 6,000 kids per day. We all know that habitual truancy is merely symptomatic of far more serious problems in a child's life. We need to identify these problems at the earliest possible time and have appropriate intervention with the child and his family.

On a state wide basis the Louisiana Council of Juvenile and Family Court Judges and the Louisiana Department of Health and Human Resources has for the last 18 months had a working joint committee to establish procedures for the continual review of children who have been removed from the legal custody of their parents and placed in the custody of the State of Louisiana. This joint working relationship between the courts and the social service system, although not curing all ills, at least has accomplished, to great extent, a standardization of procedures used by the courts of juvenile jurisdiction in this state to review the conditions of children who have been placed in state care.

I still feel that a great deal of refinement of this procedure has to be accomplished and to this end we are experimenting with such things as citizens review panels to assist the courts in reviewing the cases and seeing to it that the social service agencies are accomplishing the things that they should be accomplishing in the child's life.

With regard to the working relationship between the juvenile justice system and the educational system it appears to me that these two systems have to have the most tightly woven symbiotic relationship possible to accomplish any meaningful early intervention in a child's life in order to prevent delinquency, abuse and neglect. It is fundamental that the educational systems primarily have the opportunity to see first hand children evidencing characteristics that can eventually lead to delinquency and that may already indicate abuse and neglect. These systems see such subtle forms of abuse as psychological and sexual abuse.

It is necessary that our educational systems provide education appropriate to a child's needs and capabilities. The educational systems of our country must live up to their statutory responsibilities of providing education appropriate to a child's needs and abilities on an individual basis. This is so whether or not a child be a slow learner, a gifted and talented child, a child with specific learning disabilities or a child with visual or hearing impairments or any other identifiable needs. Without identification and remediation it is unquestioned that a child is going to fail and more tragically probably develop serious coping and emotional problems which in turn may result in more severe problems in the child's life. Such placements must be done on a timely basis to avoid losing valuable time. If testing takes two school months, that is roughly one-quarter of a full school year. It is too long a period to leave a child in limbo without receiving proper educational attention.

There has been a very fine study already done entitled "ACLD-R&D Project Summary (A Study Investigating the Link Between Learning Disabilities and Juvenile Delinquency)". Dorothy Crawford, Project Director, which points out a link between children with learning disabilities and juvenile delinquency. I don't think that the only children that are adversely affected by failure to identify their needs are children with learning disabilities. I think children with low I.Q.'s who are not being provided an appropriate education are set up for failure. Thus the ultimate effect is they are traumatized by the learning conditions and then set free in a world in which they are unable to cope.

Just what responsibilities do school systems have to identify the specific needs of any one child? The law is quite clear on this subject that every child is entitled to an education appropriate to his needs and capacities. Then if a school system in any given particular community is not accomplishing this then advocates for these children in that community should use the juvenile courts of that community as a forum to obtain the education appropriate for their clients. Right now juvenile courts are used as the forum to obtain social services for children who have been abused and neglected. When you consider the complex nature of the society it appears to me that imprisoning a child in the classroom day in and day out without providing for his needs is certainly a form of neglect if in fact not abuse.

If appropriate social services can be provided to youth to assist them without the use of the courts then so much the better; and if appropriate education can be provided to the youth of our community without court intervention then this is the way things should be accomplished. However, the courts of our country have always been conscious of, and their very existence is for the purpose of insuring human rights and liberties. In my opinion one of the paramount responsibilities of the juvenile justice system is to insure that those within its jurisdiction do receive appropriate services to prevent their abuse and neglect and these courts should be used by advocates for children when needed.

To this end for example only recently the Foundation For Children With Learning Disabilities extended two grants of approximately $45,000.00 each. One to the National Council of Juvenile and Family Court Judges, and the other to the American Bar Association. The first is for training juvenile court judges to be aware of their responsibilities to children with learning disabilities, and what they can do to insure that these children receive an appropriate education. The other grant was for training of advocates in the representation of children with learning disabilities.

I think we all agree and understand that if we can identify a problem early and do sensible things to attempt to correct the problem early then the chances of correcting these problems are greater and the cost is less. In this case the cost is not merely dollars and cents, the cost is human misery and suffering.

We in Jefferson Parish are not so pollyannaish as to think that we are going to solve all the problems of the world but at least we have to start trying to understand what the problems are and things that we can do to teach human beings how to live happy productive lives. I agree with Carl Sagan when he makes the commentary that we understand least this wonderful mind we human beings have that allows us to know so much of the universe about us. We understand least this wonderful mind that causes us to do the many good and atrocious things we do to one another and to ourselves. I suggest that it is time that we start taking a serious look at some of our motivations, and why we do some of the more tragic things we do to ourselves and others and see if we can understand what causes some of these actions, then let's see if we can change some of our behavior as a society and learn to live a more agreeable existence.

If this is not important and only technological advancements and economic considerations are foremost in our thinking then these things should be given low priorities in our society. If on the other hand, we feel that our society does have problems with patterns of behavior that seriously affect our well-being and our happiness, then I suggest we spend some time and energy in trying to understand patterns of behavior that adversely affect us. I suggest that there is no better place to do this than with young children and this means a strong working relationship between the juvenile justice system, the educational systems, the social service systems and the medical communities of our country.

STATEMENT OF LOIS FOXALL, DIRECTOR, JEFFERSON PARISH JUVENILE COURT SERVICES

Ms. FOXALL. Thank you very much, Mrs. Boggs, Mr. Miller.

I would like first to express to you my extreme concern about the prevailing attitude in our country right now which is out of sight, out of mind. I think they do not realize that only 2 percent of the people die in prison, which means that 98 percent of them will be out on the street, almost 100 percent of the juveniles. And that locking up and putting away children does nothing for them.

And I think that this is becoming more and more on the local level as legislation is being put into hoppers in the States that it is going to be at the Federal level that you are going to be able to influence that removal from jails.

We still have, all across this country, children who are in jail. And I am not talking about delinquent children. There are still neglected abused children in jail, because there is no other place to do it.

In terms of the early intervention by education, this is a tremendous problem that we see. We have got the child at 13, 14, 15 who is either out of school, is many grades behind, has not been evaluated. We do our own evaluations because the process is much too slow otherwise.

And we put them into a program of ours, which is a continuum of care. The basic—we are in the midst of construction now and we will be opening a residential this fall, but the premise of that—well, first of all, the philosophy is that most of these young people are behavior disordered.

Behavior is learned and what is learned can be unlearned and relearned. And we began with an OJJDP grant for a daycare program, education some 5 years ago. Those first students, all of them were bound for the State training school. And following those which were multiple offenders over a 5-year period, we have an 80-percent success rate for rearrest; over a 2-year period, an 86-percent success rate.

And very briefly, all it amounts to is identifying the deficiencies of the child and providing him the opportunity to correct them. He can choose to lose or he can choose to win. But the main problem is the education, the failure to identify.

And if we can take those young people and advance them two grade levels in 6 months, why can't the school system do this? Why is it that we get a child at 15, who has failed so miserably—and I would like to emphasize this tremendous need to early identification and correction, and then, the juvenile justice system will not have them, maybe we will go out of business.

Judge **Armstrong**. Congressmen, I would just like to go on record as echoing the comments of other speakers this morning and urging that Congress reauthorize the Juvenile Justice Delinquency Prevention Act.

Our State has been participating since, I believe, 1975, and we have seen great success and we are very pleased with the many programs and it certainly has assisted the court in terms of delivery of services.

So I would like to go on record this morning, on behalf of our court here, urging that that act be reauthorized.

Judge **McGee**. May I point out one thing in the comment that Lois just made? To give you a little example, the way this thing started was a grant with OJJDP. Well, it has gotten to be a full-blown thing in Jefferson Parish now and we have gone out—and the community put up $4 million to start with. Baton Rouge has put up $6.8 million in cash and our school systems gave us two schools out there that are worth about a million dollars apiece, so we have got 13–14 million dollars' worth of projects going out there.

Now, the net result is this, the bottom line is this: We in Jefferson Parish are about 12 percent of the population of the State of Louisiana. We have less than one-half of 1 percent of the kids in the State training institution and our recidivism rate is less than the rest of the country.

So the point is that the community-based things, with minimal intervention and appropriate intervention work. It makes sense. It is least costly. And when you think about the fact that a kid in our LTI system is costing, what, $16,000 a year or whatever it is.

I was just looking—my son is getting ready to go to college and I was looking at some costs of various colleges. And you can send a kid to Harvard Medical School for $16,000 a year, I think.

And one of the things is that the reason we did this in Jefferson was that we had the cooperation of all of the community leaders and we, as a juvenile court, took it upon ourselves to try to pull these things together. And, I think, that there again is the key. That traditionally juvenile courts and juvenile judges in this country have been thought of as kind of a secondary judge, or a secondary court, or a court that doesn't have a great deal of authority or whatever, a great deal of need.

The Lionel Barrymore image, as I have often said—I don't need anymore Lionel Barrymore's around me as juvenile court judge. I don't want to see any of them. I want to see some young aggressive people who are going to get in there and start moving, and doing, and shaking, and thinking. And this is the type of thing that I think a court system can change the image of itself in a community and get some things done.

And with the—I think it needs to be done or otherwise the problem isn't going to get any better. And as Lois says, just simply locking people up and locking these kids up in the traditional LTI systems is not the answer.

Mrs. **Boggs**. Mr. Anthony.

Mr. **Anthony**. Thank you, Madam Chairman. I do have just a couple of questions. Under Public Law 96-272, do you as a juvenile court judge have the authority to terminate parental rights?

Judge **Armstrong**. Yes.

Judge **McGee**. Uh-huh.

Mr. **Anthony**. We don't have that right in the State of Arkansas, and as a result, it does create problems. If the juvenile court judge makes the determination that that does need to be done, and makes that recommendation, then they have to go into another court, a probate court. As a result, we have run into periodic review problems, George, to the extent that we are even in the process of maybe losing upward of $900,000 in Federal grant money under section 4(b) and 4(e).

I have agreed to serve on a task force in the State to try to straighten out this problem.

You made another point that I think is so critical. That is the public's attitude about juvenile courts. In the State of Arkansas, I am sad to tell you, that in 25 percent of the 75 counties, the juvenile courts are operated by the county judge.

The county judge in the State of Arkansas is generally more concerned about where gravel is going to be put next week than he is about early intervention in any kind of a juvenile delinquency case.

When you said you are an advocate for the child, that leads me to a question I would like each one of you to respond to: I spent 10 years working with these county judges, trying to be that young aggressive intellect, trying to find some alternatives, but I ran into some pretty stubborn attitudes, in my opinion. And, instead of being advocates for the children, they were advocates of locking them up, rather than trying to find some alternatives.

The Supreme Court and other courts have provided a panoply of constitutional rights in regard to juveniles. Do you see the system changing in your jurisdiction, to the extent that it is more difficult for you, because it is becoming more and more of an adversarial proceeding?

Judge McGEE. I don't see it that way. I perceive that the constitutional rights—I am a strong believer in the constitutional and due process rights of the children. The parens patria theory, you know, for the children, I don't think it is inconsistence to have a parens patria and a due process.

As a matter of fact, I think they are consistent. And I like to see good lawyers in there. Let me tell you what has happened in the last 3 years in Jefferson Parish: Now, we have bright lawyers. Before 3 or 4 years ago they just didn't seem to be around. But all the things are beginning to happen.

I was a prosecutor, like you, in the mid-1960's to the mid-1970's for 10 years. That was when all the criminal law was breaking loose. It was exciting. It was interesting. You loved to go in the courtroom. You never knew what set of rules you were playing with when you went in there.

But at any rate, the same thing is beginning to——

Chairman MILLER. I've heard some comments about that period.

Judge McGEE. It was an interesting period, Mr. Miller. If you were in the courtroom then, it was fascinating. You would walk in and I didn't know Escobedo was now deciding, who is he, you know, and all this sort of stuff.

But at any rate, the same thing is beginning to happen with regard to juveniles and the relationship to juveniles and their parents and their caretakers, et cetera. The questions of termination, the questions of declaration of abandonment, the questions of medical treatment for the children, the questions of representation of the children.

We now in Jefferson Parish, for example, we have an attorney assigned to each section from the IDB. We work the funding out with the parish to where we can get this. So we have an attorney representing the child. We are also working on funding—we have to swap them off sometimes to represent the parent. That concerns me, you know.

But to answer your question, that does not threaten me. As a matter of fact, I think that is beneficial because we are getting some awful good attorneys.

Let me tell you one thing that we did in Jefferson Parish a few years ago. We went out and we were running out of money down there to have representation for children. We had got part of an OJJDP grant, as a matter of fact, and we hired Tulane Law School. They trained some really wonderful people. And Brad Gater is here and is going to talk to you today.

And they came in—we had just run out of money so we had about $15,000 left. So we went to the local bar community, to one of the attorneys who had been working with us, and said, look, we need some advocates. We need some pro bono work.

Would you believe that 35 lawyers spent 2 weekends at Tulane Law School—and I mean from top-notch firms, where they were high priced lawyers, if you will—spent 2 weeks during the football season at Tulane Law School to get caught up on—and then they went in and we promised them that we would only get caught up on juvenile law and—we promised them——

Mr. **Anthony**. That was during the losing season for the Tigers.

Judge **McGee**. With LSU, depending on who it was. But anyway, we got in there and about 35 of these people were voluntarily coming to court to represent these children and we were able to pay them the magnanimous sum of $100 per case for the whole thing. It wasn't car money back and forth from Orleans.

In fact, many of the larger firms were using their own assets, their own investigators, and they were absolutely absorbed in this thing. And we promised them no more than two or three representations a year. Well, it ended up in 6 months we burned them out. Everybody had had five or six representations and we couldn't expect that kind of pro bono work.

But the point is that there is a group of attorneys out there who are willing to take these things on and who do an excellent job in these things.

Mr. **Anthony**. I am so glad to hear what you say. And I guess what I need to do is get this panel up to the State of Arkansas to talk to some of our juvenile judges. I hate to admit this, but sometimes they act like the Prince of Darkness.

You all are so enlightened. I promise you, I have learned a great deal just from hearing you share your testimony.

Madam Chairman, I know we have other witnesses. We have taken a long time with this panel so I do yield back my time.

Judge **Armstrong**. I just want to mention that we have a women's lawyer association here in New Orleans and they too have expressed a great interest in serving as advocates in the court. And getting back to that initial question that you just mentioned, I see no problem with due process. We want that in the court. We want lawyers to be involved.

Because truly as a lawyer, you are citizens, you are parents, you are concerned about the problems. And once you have that kind of environment in the court, you have an effective and efficient juvenile court system.

And so right here in New Orleans, we have had the women's lawyers association and I have conducted training sessions for that group that are now serving, at no cost to the court, as advocates for children and representing children in child abuse, neglect cases. They are getting involved at the team meetings, at the initial stages of conferences with social workers and moving the case along in the best interests of children.

And so we welcome that kind of involvement, encourage that kind of involvement. For it is far cheaper, I think, when citizens get involved at the early stages than to wait until a child is incarcerated. Then of course you are carrying a very heavy financial burden and eventually that child will return to society. So I think it is extremely important that we involve our professionals, our lawyers, and persons initially in the court system so that they will know how the system works and can serve as valuable assistants to the court and to the community.

So we welcome that. And I would love to go to Arkansas.

Judge McGee. I think it is extremely important that judges look down the guns of good lawyers.

Judge Armstrong. That is right. Very important.

Judge McGee. It is extremely important. And I totally agree with you. I am real concerned about the attitude about juvenile court judges being part-time judges and that just scares the Hell out of me everytime I hear that anywhere in the country. But that's mine, brother, and we have got to get ourselves straight.

Judge Armstrong. We stress here that we want our judges to be involved in education programs and participating in conferences all across the country. We think that is so extremely important in terms of being able to carry on your responsibility on the bench and to participate in the delivery of services to young people.

So we encourage that and welcome it and look forward to having those kinds of persons involved.

Mrs. Foxall. If I may make a brief observation.

Chairman Miller. You have to get used to the tough competition you are sitting with.

Mrs. Foxall. There is no advocacy for the child in the juvenile justice system, the neglected abused, the delinquent, except the professional and the elected official. Unlike parents of mentally retarded, of gifted and talented, and handicapped, who band together and go to their State house and demand, the children of neglected abused, and the juvenile delinquents, and of children in need of supervision, do not do that and if we do not do it, no one will.

Judge McGee. If I might make just one comment. The two most disenfranchised people in this country are poor people and kids. They are not a threat to any elected official and not a threat to me as a judge, as an elected official.

And somebody has to be their advocate, because if not, they are not getting the things that they need. And the spinoff is, as the Fram oil filter ad says, you either pay me now or you pay me later.

If we do something about it up front, it is a lot less costly, if we just want to look at dollars and cents.

Mrs. Boggs. Tom, that is just what this committee is all about.

Judge McGee. This is why we appreciate it so much, Mrs. Boggs.

Mrs. Boggs. We felt so strongly, under George's motivation, to form the committee because we felt that the children that you are talking about, Lois, did not have the sufficient advocacy within the Congress of the United States.

We appreciate the time and the effort and the devotion that you have given to these hearings and we wish we could impose upon your time even further, but we have another panel who is waiting to be with us. We thank you so very much.

Judge Armstrong. Thank you.

Judge McGee. Thank you very much.

Mrs. Boggs. We have a wonderful panel and we will hear from the real experts, from the young people themselves. We are so pleased today to have with us Mark Toca, who is accompanied by Cindy Weikum and Darius Bannister, who is accompanied by Dr. Brenda Lyles.

We will be very pleased to have you come up to the table, if you will.

Mr. ANTHONY. Madam Chairman, would you yield me just a minute?

Mrs. BOGGS. Certainly.

Mr. ANTHONY. I made a comment earlier about some of the judges in Arkansas being the "Prince of Darkness." I don't want the record to end with that comment.

We have some people from the State of Arkansas who are submitting written testimony, and we have Scott Gordon, commissioner of the division of children and youth services in Arkansas, in the audience. The Honorable Judith Rodgers, a long-time personal friend of mine with the Pulaski County Chancery Court, is very active in Arkansas in getting us into the 20th century, and is submitting testimony.

David Clinger, president of the Prosecuting Attorneys' Association, of which I was a very active member at one time, is also trying to upgrade our juvenile court system.

Also, Paula Casey, with the Arkansas School of Law, has done a great deal of research on the juvenile court reform in Arkansas, and is submitting written testimony.

So I don't want the record to be one-sided, because we do have many good things going on in the State.

Mrs. BOGGS. We have had some very good testimony from your State down in Miami. We had some experts from Arkansas and we do know that a great many good things are going on. It is very natural that you are nervous and frustrated about the slowness with which all of these great programs progress.

We are so happy to have you with us. You are very kind to be with us today, because you are the ones from whom we can learn the most.

I would like Cindy, if you will, to introduce Mark.

STATEMENT OF CINDY WEICKUM, PROGRAM DIRECTOR, YOUTH ALTERNATIVES, INC., NEW ORLEANS, LA

Ms. WEICKUM. Members of the House committee, my name is Cindy Weickum, and I am the program director of the Teaching-Family Group Home component of Youth Alternatives, Inc., a private, nonprofit human service agency here in New Orleans.

I would like to introduce you to Mark Toca, a former youth at the Bienville Street Teaching Family Group Home. In his testimony today, Mark will relate to you some experiences from his life prior to, during, and now following his 2-year stay in our treatment program on Bienville Street.

Youth from the New Orleans area come to us with a variety of emotional and behavioral problems. Examples would include truancy, family problems, and a lack of skills necessary to keep them out of trouble.

Our group home provides these youth with a second chance. There they have an opportunity to learn alternative, more socially acceptable behaviors to the ones that may have caused them difficulties in the past.

By being community based, the Teaching-Family Group Home may enable a youth to remain in the community for treatment, thus being a possible alternative to institutionalization. It is structured behavioral treatment in a normalized environment.

Each Teaching-Family Home is staffed with a married couple who live in the home, often with their natural children. The couple is the primary treatment provided for the youth, and as such, has 24-hour-a-day responsibility for the treatment program.

The couple receives an intensive year-long training and ongoing consultation in the Teaching-Family treatment model.

This treatment model was researched and developed at the University of Kansas and has been disseminated nationally through the National Teaching-Family Association.

It is currently used in over 200 group homes across the United States, including the 41 group homes at Father Flanagan's Boys Town in Nebraska. The Teaching-Family model is behaviorally based treatment, and as such, is grounded in 15 years of applied research, which still goes on today.

The Teaching-Family Homes' program at Youth Alternatives, Inc., currently has three group homes operating in the New Orleans area, with a fourth scheduled to open in January of next year. The homes serve boys and girls, ages 12 through 17.

The boys' homes each serve eight youth and the girls' home serves six. The small numbers enable treatment to be individualized, within a family-like atmosphere, while maintaining its cost effectiveness.

And it was at our Bienville Street Teaching-Family Home that Mark received his second chance. The family-teachers worked with Mark and his family to help them reach the goal of his successful reintegration back home.

Without further discussion, I would like to introduce you to Mark Toca.

Mrs. BOGGS. Thank you so much, Cindy and Mark. Thank you very much. Would you proceed, please?

[Prepared statement of Cindy Weickum follows:]

PREPARED STATEMENT OF CINDY WEICKUM, YOUTH ALTERNATIVES, INC.

Members of the House Committee, My name is Cindy Weickum and I am Program Director of the Teaching-Family Group Home component of Youth Alternatives, Inc.; a private, non-profit human service agency here in New Orleans. I would like to introduce you to Mark Toca, a former youth at the Bienville St. Teaching Family Group Home. In his testimony today, Mark will relate to you some experiences from his life prior to, during, and now following his two year stay in our treatment program on Bienville Street.

Youth from the New Orelans area come to us with a variety of emotional and behavioral problems. Examples would include truancy, family problems, and a lack of the skills necessary to keep them out of trouble. Our group-homes provide these youth with a second chance. There they have an opportunity to learn alternative, more socially acceptable behaviors to the ones that may have caused them difficulties in the past. By being community-based, the Teaching-family group home may enable a youth to remain in the community for treatment, thus being a possible alternative to institutionalization. It is structured behavioral treatment in a normalized environment.

Each Teaching-Family Home is staffed with a married couple who live in the home, often with their natural children. The couple is the primary treatment provider for the youth, and as such, has 24-hour a day responsibility for the treatment program. The couple receives intensive, year-long training and on-going consultation in the Teaching-Family Treatment Model. This treatment model was researched and developed at the Unviersity of Kansas and has been disseminated nationally through the National Teaching-Family Association. It is currently used in over 200 homes across the United States, including the 41 group-homes at Father Flanagan's Boys Town in Nebraska. The Teaching-Family Model is behaviorally-based treatment, and as such, grounded in 15 years of applied research, which still goes on today.

The Teaching-Family Homes Program at Youth Alternatives currently has three group-homes operating in the New Orleans area, with a fourth scheduled to open in January of next year. The homes serve boys and girls ages 12 to 17. The boys' homes each serve 8 youths, the girls' home serves 6. The small numbers enable treatment to be individualized within a family-like atmosphere while maintaining its cost effectiveness.

And it was at our Bienville St. Teaching-Family Home that Mark received his second chance. The family-teachers worked with Mark and his family to help them reach the goal of his successful reintegration back home. Without further discussion, I would like to introduce you to Mark Toca.

STATEMENT OF MARK TOCA, AGE 17, NEW ORLEANS, LA

Mr. TOCA. In about the middle of my sixth grade year at school, in 1978, I started smoking marijuana and cutting classes. I passed the sixth grade and moved to the seventh grade. In the first half of the seventh grade I smoked marijuana on my way to school and during school.

About midyear, I was expelled for the year, due to too many school suspensions.

I finished out the year at GRASP School, which is an alternative school. I was promoted then to the eighth grade at GRASP. I then quit school for the most part. I would go often enough to keep my mom from finding out, from knowing that I was not going to school, but not enough to learn anything.

In December 1980, during my eighth grade year, I was involved in a fight with three guys, while under the influence of quaaludes.

My friends and I were looking for these three guys because they had spray painted the name of their group on his house. I found the guys first. I rode up to them on my bicycle with a cut pool cue in my hand. I hit the first one and broke his jaw. I hit the second one in the eye, which broke his glasses and put glass in his eye. The third guy ran from the scene.

By the time my friend arrived, two of the three guys—two or three boys were laying on the ground. We went back to my house and hid the pool cue in the garage. We stayed around the house the rest of the afternoon.

The next day we skipped school again and went to hang out at the park to get high. We headed to Karr Junior High to wait for some friends. Two disciplinary officers caught me and held me for trespassing on school grounds and suspicion of dealing drugs.

They took me to the office and searched me. The police came to arrest me for trespassing and realized I fit the description of a person who had assaulted the two boys. I denied it at first.

The police took me by one of the youths' home that I had hit. The youth made a positive identification and they arrested me. They booked me on two counts of assault with intent to do bodily harm. They took me to the youth study center where I spent the night. The next day I was arraigned and released. The case came to court in January, where I was found guilty of aggravated battery.

I began looking for placement in a group home in July 1981. I was finally placed at Youth Alternatives', Inc., home on Bienville in November 1981. I did not like it at first because it took me away from all my friends and the drugs that I wanted to be around.

After about 4 months into the program, I started to realize that people were trying to help, even though I did not want the help at the time.

I progressed through the home at a reasonable pace. My biggest problem was still school. I would be doing great and then mess off at school. That would slow my progress down as far as graduating from the group home program.

While I was at the house on Bienville, I learned how to be responsible. I learned that I had to take responsibility for my actions. I learned how to cook and maintain my share of household tasks. I learned how to live with lots of kinds of people of different cultures. I learned how to control my temper and accept authority figures. I think I learned these things because I would earn consistent consequences for my inappropriate behaviors and be given lots of praise and encouragement for the things I did right.

My goal was to go back and live with my parents after I graduated from the program. I would earn privileges of going home when I would attend school and live up to my house responsibilities. On Sunday, on return from my home visit, when I came back to the group home, my family teachers and my parents would meet and discuss my week.

My family teachers would describe to my parents my behavior of the week and my parents would describe to my family teachers what kind of weekend I had. I would give my opinions about my behavior also. We would set new goals to achieve for the week and try again.

I feel my parents learned some things while I was at the group home that helped them to help me keep it together when I would return home. They learned to make me earn things instead of just giving them to me. I feel they learned some sensitivity about what it takes to grow up in this day and age.

I feel that if it wouldn't have been for the Youth Alternatives', Inc., I would have ended up in jail, where some of my friends are right now. The people at Youth Alternatives, Inc., seemed to care about the youth individually and did not treat them like numbers.

I graduated from Youth Alternatives, Inc., home on Bienville on November 9, 1983. I have had to prove myself to my family teachers that I would make it to school consistently, follow the rules at my parents' house, and follow society's rules also before I could graduate.

I have been out of the group home for 6 months now. I am looking for a job and I am attending night school at Walker Senior High School. I am working on my high school equivalency and have passed all areas except for English. I have worked some construction over the past 6 months. I have had difficulty locating a job, due to my record. I am still trying and hoping something breaks soon.

Mrs. BOGGS. Thank you so much, Mark. We will be coming back to you. We are very happy that Mark's parents, Mr. and Mrs. Burnham, are here with us. And if you would like to join the group at the table, we would be happv to have you. If you prefer to just stay where you are, that is fine too.

[Prepared statement of Mark Toca follows:]

PREPARED STATEMENT OF MARK TOCA

In the middle of my sixth grade year at school, about 1978, I started smoking marijuana and cutting classes. I passed sixth grade and move to seventh grade. During the first half of the 7th grade, I smoked marijuana on my way to school and during school. About mid-year, I was expelled for the year due to too many school suspensions.

I finished out the year at GRASP school, which is an alternative school. I was promoted then to the eighth grade at GRASP. I then quit attending school for the most part. I would go often enough to keep my mom from knowing that I was not going, but not enough to learn anything.

In December of 1980, during my eighth grade year, I was involved with a fight with three guys while under the influence of quaaludes. My friend and I went looking for these three guys because they had spray painted the name of their group on his house. I found them first. I rode up to them on a bicycle with a cut pool cue in my hand. I hit the first one, and broke his jaw. I hit the second one in the eye which broke his glasses and put glass in his eyes. The third guy ran away from the scene.

By the time my friend arrived, two out of the three boys were lying on the ground. We went back to my house and hid the pool cue in the garage. We stayed around the house the rest of the afternoon.

The next day, we skipped school again and went to "hang out" at the park to get high. We headed over to Karr Jr. High to wait for some friends. Two disciplinary officers caught me and held me for trespassing on the school grounds and suspicion of dealing drugs. They took me to the office and searched me.

The police came to arrest me for trespassing and realized I fit the description of the person that had assaulted the two boys. I denied it at first. The police took me by one of the youth's home I'd hit. The youth made a positive identification, and they arrested me.

They booked me on two counts of assault with intent to do bodily harm. They took me to the Youth Study Center where I spent the night. The next day I was arraigned and released. The case came to court in January where I was found guilty of aggravated battery.

I began looking for placement in a group home in July of 1981. I was finally placed at Youth Alternatives, Inc., Home on Bienville Street in November of 1981. I did not like it at first because it took me away from drugs and friends I wanted to be around.

About four months into the program, I started to realize the people there were trying to help, even though I did not want their help at the time.

I progressed through the program at a reasonable pace. My biggest problem was still school. I would be doing great and then mess off at school. That would slow my progress down as far as graduating from the home program.

While I was at the Home on Bienville, I learned how to be responsible. I learned that I had to take responsibility for my actions. I learned how to cook and maintain my share of household tasks. I learned how to live with lots of different kinds of people and different cultures. I learned how to control my temper and accept adult authority figures. I think I learned these things because I would earn consistent consequences for my inappropriate behavior and be given lots of praise and encouragement for things I did right.

My goal was to go back and live with my parents after I graduated from the program. I would earn the privilege of going home when I attend school and live up to my house responsibilities. On Sunday, when I would return back to the group home, my Family Teachers, my parents and I would meet to discuss the week.

My Family Teachers would describe to my parents my behavior of the week. My parents would describe to my Family Teachers what kind of weekend I had. I would give my opinions, about my behavior, also. We would set new goals to achieve for the weekend and try again.

I feel my parents learned some things while I was at the group home that helped them to help me keep it together when I would come home. They learned to make me earn things instead of just giving them to me. I feel they learned some sensitivity about what it takes to grow up in this day and age.

I feel that if it would not have been for Youth Alternatives, Inc., I would have ended up in jail somewhere like some of my friends did. The people at Youth Alternatives, Inc., seemed to care about the youth individually and don't treat them like they are numbers.

I graduated from Youth Alternatives, Inc., Home on Bienville Street on November 9, 1983. I had to prove to myself and my Family Teachers that I could make it to school consistently, follow the rules at my parent's house, and follow society's rules before I could graduate.

I have been out of the group home now for six months. I am looking for a job and attending night school at Walker High School I'm working on my high school equivalency and have passed all areas except for English. I have worked some construction over the past six months. I have had difficulty locating a job due to my record. I am still trying and hope something breaks soon.

Next we have Darius Banister, who is accompanied by Dr. Lyles. And Dr. Lyles, would you be kind enough to introduce Darius to us?

STATEMENT OF BRENDA LYLES, PH.D., COMMUNITY SUPPORT PROGRAM COORDINATOR, LOUISIANA DEPARTMENT OF MENTAL HEALTH

Ms. Lyles. First of all I would like to say thank you for your interest and involvement with children, youth, and families, and especially your concern about early intervention.

I am Dr. Brenda Lyles. I am a clinical psychologist by training and I am the region I and IX Community Support Program Coordinator with the Office of Mental Health and Substance Abuse. Regions I and IX roughly mean the greater New Orleans area, including the area north of the lake.

The Louisiana Department of Health and Human Resources, the Office of Mental Health and Substance Abuse, has developed an array of community living and vocational training alternatives that are specifically designed to meet the individual needs of persons who are diagnosed as having some form of chronic mental illness or who by history have that diagnosis.

The Community Support Program in the Greater New Orleans area has made great strides in attempting to deliver a high quality of service in the most normal environment possible in the community.

It is the belief of all persons involved with CSP that the effective adjustment of anyone returning to the community from an institution of any kind is directly dependent upon the community to provide the necessary support system.

The program provides the needed services of skills training, case management, vocational habilitation and rehabilitation, developing social networks, recreation and leisure skills training in the most normalized environment.

The Community Support Program has been most successful in decreasing recidivism among participants in the State hospital system to less than 20 percent. It has also decreased the number of persons admitted to treatment facilities of any kind because a suitable support network was not available.

The Community Support Program is closely involved with assisting families in learning how to work with their relatives who are returning to the community. However, the need for such services in the metropolitan areas such as New Orleans are tremendously great.

I am pleased to introduce to you Darius Banister. Darius is a Gary W. class member. He is presently involved in a supervised department program that was developed by the Office of Mental

Health, under the auspices of the Volunteers of America. And it was specifically designed to meet his needs, based on the special review committee that set out what should be done for Darius.

I can't say enough about what we are trying to do with persons like Darius and I want him to have a chance to tell you about his experience.

I think as you hear from Darius what his life experience has been, you will see how great the task is that we have to accomplish, working with people in an early intervention mode and straight on through adults and families.

So I won't go any further. I will introduce Darius and I will help him along as he needs me. He will tell me when he does.

Mrs. BOGGS. We are very grateful to you, Dr. Lyles. Your work is so well known. As you know, I have the privilege of serving on the local board of Volunteers of America. I am now on the nominating committee for more citizen participation nationwide. So I am especially pleased that you have come today.

It is just wonderful of you, Darius, to be with us.

Ms. LYLES. Darius is a little shy.

Mrs. BOGGS. I don't blame him. You should see the great legal minds and great officers of various sorts that come before Congressional Committees and they are a little tongue-tied too. But we are very happy to have you, Darius, and you can tell us anyway you would like and we would be grateful to you.

Ms. LYLES. Darius at this point has asked that I begin reading some of his testimony. I think he will answer direct questions.

Mrs. BOGGS. That will be fine.

[Prepared statement of Brenda Lyles follows:]

PREPARED STATEMENT OF BRENDA W. LYLES, PH.D., AREA I COORDINATOR, CSP

The Louisiana Department of Health and Human Resources, Office of Mental Health and Substance Abuse has developed an array of community living and vocational training alternatives that are specifically designed to meet the individual needs of persons who are diagnosed as having some form of chronic mental illness or who by history carry this diagnosis.

The Community Support Program in the Greater New Orleans area has made great strides in attempting to deliver a high quality of service in the most normal environments possible in the community. It is the belief of all persons involved with CSP, that the effective adjustment of any one returning to the community from an institution of any kind is directly dependent upon the ability of the community to provide the necessary individualized support system to assist in this transition. The program provides the needed services of skills training, case management, vocational habilitation and rehabilitation, developing social networks and recreational and leisure skills training in the most normalized environment. The Community Support Program has been most successful in decreasing recidivism among participants in the State hospital system to less than 20%. It has also decreased the number of persons admitted to treatment facilities because a suitable support network was not available.

The Community Support Programs is closely involved with assisting family members in learning how to work with their relatives who are returning to the community. However, the need for such services in a metropolitan area such as New Orleans tremendously exceeds the available resources. The Community Support Program concept is a very viable alternative to releasing people on the streets of the city who spend time revolving in and out of hospitals and jails or who become the wandering homeless.

STATEMENT OF DARIUS BANISTER, AGE 21, NEW ORLEANS, LA
[read by Brenda Lyles, Ph.D.]

Ms. LYLES. It says, I am Darius Banister. I am 21 years old and would like to talk to you about my life experience.

I want you to know that Darius and I worked through developing this testimony so I kind of took it, based on what he said, and then we checked it backward and it is exactly what has happened.

Darius comes from a family of five children. My mother cannot hear or speak. I have three brothers and one sister. Two of my brothers were sent to Texas with me when we were younger. These two brothers now live in New Orleans, but they don't work very often and they have both been in jail.

My older brother is in Angola, which is the State penitentiary. My sister lives with my father. She has been in the hospital at Mandeville—which is the State hospital—on many occasions.

Darius began school in Jefferson Parish, where he lived in what is known as the Shrewsbury area. He went to school until he was 9 years of age, but he was put out of school at that point for skipping school. After he left school because of skipping and acting up in class, he was kept at home. When he was at home, because his mother could not speak to him—she could communicate to him, but could not speak to him—he spent much of the day sitting in the corner by himself and rocking.

I think that is what you said, that you could remember mostly sitting and rocking.

I don't remember having any friends. I don't remember going out to play much. My mother didn't want me to play with other kids. I don't remember talking with people other than my brothers. My brothers were allowed to go outside to play.

I can remember my father coming by only a couple of times. I was sent to a foster home after this, but I kept running away. I liked one of the homes that I went to, but I wanted to be in the streets. I wanted to be free.

I can remember fighting a lot. I was finally sent to Texas to Summit Oaks School. I can remember going skating and he can remember the dance contest—Darius will tell you that he is pretty good at that.

Two of my brothers were sent to Texas with me. I liked some of the people there. I like to play baseball, however I did get beatings.

I left Texas and went to Shreveport and I liked the program there. There was someone there that liked me enough to buy a ticket to a concert for me. We talked about that.

The place that he went to in Shreveport was Brentwood Hospital. After this, I came back to New Orleans to live again. One brother came back to New Orleans with me but the other one stayed in Shreveport. My older brother was in jail during this time.

When I was out in the community I was arrested for breaking and entering, carrying a concealed weapon, and armed robbery. At this time Darius was only 15 years old. At that same time—I think it was after a fight, wasn't it? You started to have seizures. He has grand mal epilepsy in addition now.

I can remember going to Forensic. Forensic is our hospital for the criminally insane. Darius was sent there at a very, very early age. He was sent there shortly after his 15th birthday. I had to fight every day. I was young and they wanted to get over on me. I fought and I got hurt. I have had my wrist cut and I can't use my hand very much now.

I was later sent—and this was by court order—to East Louisiana State Hospital from Forensic. And then I came to the Volunteers of America Supervised Program.

I have been arrested several times, but now I feel that I want to stay out of jail. I don't like what happens inside. I always end up fighting and getting into more trouble.

I feel that if my family had been helped to stay together when I was young and my mother had been helped to deal with us, maybe we would all be better.

I like the program I am in now and I hope to someday become a good citizen.

[Prepared statement of Darius Banister follows:]

Prepared Statement of Darius Banister

I am Darius Banister. I am 21 years old and would like to talk to you about my life experience.

I come from a family of five children. My mother cannot hear or speak. I have three brothers and one sister. Two of my brothers were sent to Texas with me when we were younger. These two brothers now live in New Orleans, but they don't work very often and they have both been in jail. My older brother is now in Angola. My sister lives with my father. She has been in the hospital at Mandeville on many occasions.

I began school in Jefferson Parish where I lived in the Shrewsbury area. I went to school until I was about 9 years of age, but I was put out of school for skipping school. After I left school because of skipping and acting up in class I was kept at home. When I was at home I had to set in the corner all day. I can remember sitting and rocking all day. I don't remember having any friends. I did not go outside to play. My mother didn't want me to play with other kids. I don't remember talking with people other than my brothers. My brothers were allowed to go outside to play. I can remember my father coming by only a couple of times. I was sent to a foster home after this but I kept running away. I wanted to go home to my mother. I was placed in another home and I ran away. I liked one of the homes but I wanted to be in the streets—I wanted to be free. I can remember fighting a lot. I was finally sent to Texas to Summit Oaks (training school). I can remember going skating and the dance contests. Two of my brothers were in Texas with me. I liked some of the people and getting to play baseball. However, I did get beatings. I left Texas and went to Shreveport. I liked the program there. Someone liked me enough to give me a ticket to a concert.

After leaving Brentwood in Shreveport (psychiatric hospital), I came back to New Orleans to live again. My brother came back to New Orleans with me but the other one stayed in Shreveport. My older brother was in jail during this time. When I was out in the community, I was arrested for breaking and entering, carrying a concealed weapon and armed robbery. I began having seizures when I was about 15. I can remember going to Forensic. (Louisiana Forensic Unit for the criminally insane) I had to fight every day. I was young and they wanted to get over on me. I fought and I got hurt. I have had my wrist cut, I can't use my hand very much now.

I was later sent to East Louisiana State Hospital and then I came to the Volunteers of America Supervised Apartment Program.

I have been arrested several times, but I now feel that I want to stay out of jail. I don't like what happens inside. I always end up fighting and getting into more trouble.

I feel that if my family had been helped to stay together when I was young and my mother had been helped to deal with us, maybe we would all be better.

I like the program I am in now and I hope to someday become a good citizen.

Mrs. Boggs. Thank you very much, Darius, for writing your story for us and, Dr. Lyles, for giving it to us.

Mr. Miller, would you like to start?

Chairman **Miller**. Both Darius and Mark, I want to thank you very much for agreeing to come and testify to the committee. It was our intent when we created this committee that it would also be a forum for young people who adults spend a great deal of time discussing, but that you would be able to come here and to tell us your story directly, to give us your impressions.

And hopefully that would have an impact on how we shape policies and programs to try to help young people who are in trouble, who are in need of help from others.

So I really appreciate you coming forward. Let me ask you both a question. Because I hadn't thought of it until I had heard your testimony, and maybe I am thinking about a lot of years later, but when you missed school, when you decided not to go to school for whatever reasons, Darius, you were pretty young when you started skipping school and Mark, you were a little bit older and in the seventh or eighth grade when you started making decisions not to go.

When you showed up at school the next day, did anybody ask you why you were skipping school, why you didn't want to come to school?

Mr. **Toca**. Most of——

Chairman **Miller**. Did your principal—I don't know how the system works here. We had principals in our school that were responsible, or the dean of boys.

What would they say to you?

Mr. **Toca**. They would ask for an excuse from your parents.

Chairman **Miller**. I am sorry. I can't hear you.

Mr. **Toca**. They would ask for an excuse from your parents for your absence. And, you know, we wouldn't have one. We would just tell them we didn't come to school.

Chairman **Miller**. And then what would they say?

Mr. **Toca**. You would get a detention or get suspended. But I guess being on drugs, it didn't really bother me. I would just tell them I didn't come to school because I didn't feel like coming to school.

Chairman **Miller**. But nobody sat down with you and asked you why you weren't coming to school, more than just simply why you didn't come that day?

Mr. **Toca**. It was like nobody really—just you didn't come to school. Why didn't you come to school? OK. Go to class.

Chairman **Miller**. Darius, did anybody ask you why you weren't coming to school or why you were staying in the streets as opposed to going to school?

Mr. **Banister**. No.

Chairman **Miller**. They would just give you detention or suspend you?

Mr. **Banister**. Yes.

Chairman **Miller**. I always thought that was interesting. I used to miss a lot of school and actually you could work it out so if you didn't want to go to school, the authorities would help you because they would suspend you.

No one ever asked me why I was missing school. I am not sure I could have answered the question at that time, but I found it rather interesting that they facilitated my missing school by continuing to lengthen the suspension times, which to me were gifts at that point, because I couldn't think of anything worse than being in school. I think I was a sophomore in high school then.

Are you living at home, now, Mark?

Mr. TOCA. Yes, I am living with my parents.

Chairman MILLER. Do you continue to go to counseling?

Mr. TOCA. No, sir. I have graduated from the program.

Chairman MILLER. You have graduated so that means there are no periodic or reviews that continue with the program at all?

Ms. WEICKUM. We check back with Mark once a month to see how he is doing, if there is anything we can do to help. So far he has been doing very well on his own.

Chairman MILLER. Darius, in the program that you are in now with Volunteers of America, do you get to talk to the other young people in the program? Do you have sessions with them so you can talk about your histories together, about what happened to you in the past?

Mr. BANISTER. No.

Chairman MILLER. Do you spend time with your counselor?

Mr. BANISTER. Some time.

Chairman MILLER. Is that on a daily basis?

Mr. BANISTER. No, just usually now and then.

Ms. LYLES. It is done on a two to three times a week basis. Darius is in the apartment program and that has got less of a daily kind of intervention. It is assumed that we are at this point helping him become as much of an adult as possible.

Chairman MILLER. So you are living——

Ms. LYLES. His counselor does live in the same building. As a matter of fact, the counselor lives right upstairs all the time.

Chairman MILLER. But now, Darius, in this apartment program you are required to take care of yourself and to take care of your apartment and to—do you live with somebody else?

Mr. BANISTER. Yes, I have a roommate.

Chairman MILLER. You have a roommate, so you have to get along with this roommate.

Mr. BANISTER. Yes.

Chairman MILLER. Is that working out all right?

Mr. BANISTER. Yes.

Chairman MILLER. I just got two roommates in my house in Washington. I don't know about that theory. They are both Members of Congress, so I don't know. Do you enjoy living with somebody?

Mr. BANISTER. Yes.

Chairman MILLER. I mean to talk with and do you guys go out together?

Mr. BANISTER. No, we don't go out together.

Chairman MILLER. Is this the best arrangement that you have lived in for some time?

Mr. BANISTER. So far.

Chairman MILLER. So far. Do you like being in New Orleans?

Mr. BANISTER. Yes, it is all right.

Chairman MILLER. Again, thank you very much for coming here and for sharing your experiences. If we didn't hear them from you, we wouldn't hear them from anybody. We would hear all about them, but we wouldn't hear them directly and I think that you are to be commended for coming forward. It means a great deal to us.

The best of luck to both of you in embarking on really new opportunities for you both. Mark, thank you too, and your parents.

Mrs. BOGGS. Mr. Anthony.

Mr. ANTHONY. Thank you, Madam Chairman. Mark, if you were sitting where your father is sitting now, what advice would you give to a 17 year old, based on your past history, and the fact that you have had a chance to successfully participate in Youth Alternatives?

Mr. TOCA. I could go on all day about it.

Mr. ANTHONY. Well, just give us a few of your thoughts.

Mr. TOCA. Basically to stay in school and stay away from drugs and the people that associate with drugs because that just brings you down. School is the basic thing. If you can stay in school, you can do a lot.

Mr. ANTHONY. Now that you have successfully graduated, you have recognized your problem. You have received your high school equivalent—did I understand that you have successfully completed that?

Mr. TOCA. Not just yet. I still have my English to complete.

Mr. ANTHONY. You still have to complete your English. Are you free from drugs now?

Mr. TOCA. Uh-huh. That is right.

Mr. ANTHONY. Do you think you can stay free from drugs?

Mr. TOCA. Uh-huh.

Mr. ANTHONY. How is society treating you as you try to find a job?

Mr. TOCA. Well, they kind of look at my past record. When I put down I was convicted of a felony and what it was about, they—you know, I guess, but I never was told by them—but I feel like they are hesitant to hire somebody who is—from the fight that I was in, you know.

Mr. ANTHONY. Are you getting any support from anyone in the community to try to alleviate the bias that the employers might have, a bias which does not give you the opportunity to show that you can be a trustworthy and valuable employee?

Mr. TOCA. Not from my community, no, not really.

Mr. ANTHONY. Do you think that there may be a breakdown there?

Mr. TOCA. Uh-huh.

Mr. ANTHONY. In other words, you have come forward, you have taken your punishment, you have redeemed yourself. I admire you greatly for having the courage to come and sit where you are, in front of the public, and tell us about your life story. That was not easy to do.

You and Darius are both to be commended. I can tell you that at your young age, you have more courage than a lot of adults that are out there criticizing the system, rather than trying to help it.

Maybe you have identified something that we can take a look at. You have a good program that you have gone through. You have your parents giving you support. Yet there is an implied bias that is keeping you from doing what you need to do. If you are going to be successful in life, you need to get a good-paying job. You will not be able to depend on your parents forever and I know you don't want to.

Mr. Toca. No, not too much longer.

Mr. Anthony. You have identified something that we should look at to see if we can't make the full circle work properly.

Again, my thanks to the panel. It helps to establish a solid record that we can take back and share with our colleagues in Congress.

Mrs. Boggs. I too want to thank you so much. Darius, was it hard for your mother when you were living with her? Did she know how to talk by using sign language?

Mr. Banister. No, not then.

Mrs. Boggs. Does she know how now?

Mr. Banister. Yes.

Mrs. Boggs. Oh, that is wonderful. So she has gotten some help with her speech and hearing problem? She has received some help?

Mr. Banister. Yes.

Mrs. Boggs. What do you think would have helped your mother and would have helped you and your brothers so that your family could stay together?

Mr. Banister. I don't know.

Mrs. Boggs. Dr. Lyles, can you give us your views about what could have been done to help Darius' mother and keep this family together?

Ms. Lyles. I think this is a case in point of something that we talked about a little bit earlier in the discussion. Things start as small. When you have a mother who can't hear or speak and can't communicate with the children, it becomes a very difficult problem to interreact with the children and to teach them to speak. And this is something that we know Darius has now become very good in expressive language.

But for a long time he had good receptive language, but he didn't talk much because he was not around people that talked. And so when you go to school and you don't talk, people think, well, there is something really wrong with you. And I think that had we early enough intervened with their family to assist the mother in working with five children, we might not be at the point we are at now.

The cost to the State is significantly greater for the five children as we have had to do it, than it would have been had we intervened early enough with that family to assist the mother.

I think Darius' mother does care a lot about him. I think the family would have done better to be together. But because we didn't have people who could go in, teach the mother sign language, help her with parenting skills and so on, at that time, it made it very difficult for her to maintain the children and it continues to be a problem.

Mrs. Boggs. It was very natural that Darius loved his mom very much and every time he would get in another situation, he naturally would want to go back and see about her.

Ms. Lyles. Exactly. I think that has been something that he has consistently done. The whole family has always gravitated back to her. But that is still something, you know, that we have to work on for others like Darius. I think the family could have stayed together much better with those kinds of supports. We certainly would not have had he and his brothers—I think now everybody has been in and out of jail tremendous numbers of times. We might have been able to stop that very early on.

Mrs. **Boggs**. Mark, I too thank you so much for your courage and for your helpfulness in being with us. I was really struck by the fact that you started smoking marijuana and skipping school at such a young age. Were other sixth graders using drugs that you knew of?

Mr. **Toca**. No, it was just me and my other friend, about the only ones in the school really.

Mrs. **Boggs**. Do you have some understanding of how you got into that pattern of using drugs and then into active truancy?

Mr. **Toca**. No, I just—I don't know.

Mrs. **Boggs**. Were you having any problems learning in school or any problems at home?

Mr. **Toca**. I didn't have any problems. I don't know what happened. I just started and one thing led to another and I couldn't stop and I wound up getting in trouble.

I would like to address the committee about the group homes. If it wouldn't have been for the group home that I was in, I would have wound up in LTI like all my other friends right now. And I just hope other youth have the same chance that I had to straighten up their lives and not go to jail, where they will come out worse than they went in.

I just hope that the group home stays around for awhile and helps other youth too.

Mrs. **Boggs**. Mrs. Burnham, do you have anything to add?

[Out of range of microphone.]

Mrs. **Boggs**. Mr. Burnham, do you have anything to add?

Chairman **Miller**. We are going to have to ask you to come forward to the microphone, otherwise we are not going to be able to pick this up for the record and it is important, if you are willing to do this.

Mr. **Burnham**. Mrs. Boggs, Mr. Miller, Mr. Anthony, we are very grateful to Youth Alternatives for the help they gave Mark in making the turnaround that he made. However, it wasn't until he was a convicted felon that this was available to him. And after it became available, there was a long wait until a space opened up. There just aren't enough homes.

Mr. **Anthony**. Did I understand you to say it was from January until November until a spot opened up?

Mr. **Burnham**. It seems to me it was longer than that. Mark was in limbo. The whole family was in limbo. We didn't know what to do or what—nothing could be planned because this was imminent, but it never happened. It went on and on.

And I understand they are trying to open more homes now, but the community is against them. They don't want them in the nice areas. They will tear an area down. So instead of having kids that turn around like Mark did, they will have kids that go much, much further and end up in prison.

And anything you people can do to help, believe me, I would appreciate it.

Ms. **Lyles**. Can I simply second what he said and say that in an area like New Orleans, we have a tremendous problem with the number of available spaces. And that kind of wait is consistently a problem. And after that length of wait—I think it took us about 2 years almost to get the program implemented for Darius. And at this point I have some 200 people waiting for places with the office of mental health.

We have a tremendous problem and these are adults that have been through, from very early on, and now they are probably family people too, some of them. And so we have got a very big problem in terms of wait. This is not unusual, 9 months. Some wait a year, year and a half.

Mr. **Anthony**. The communities will continue to battle this type of program until people like you are willing to stand up and say that they work. They are cheaper than the alternatives. People have to have some compassion, and have to quit worrying about their property values. A personal life is more important than a dollar on a resale of a house.

And in fact, if you see that these programs work, it may be that the real estate values will go up instead of going down. I can tell you from my own personal experience of trying to get a youth home started in my hometown, that the bias was greater back then. The bias is there now, but hopefully, by exposing it to public record, at a public hearing, people will start thinking about the alternative.

The alternative is that we are going to pay a lot more taxes to build more stone prisons, while knowing that we are going to have more recidivism.

Mark is a beautiful living testament to the fact that alternative programs will work and we are wisely spending our money in supporting them.

Not only do you save Mark's life, but also I believe that it has probably made your life a little bit easier.

Mr. **Burnham**. You better believe it.

Mr. **Anthony**. I encourage you to keep telling your story Mark, what you said, you need to keep saying to all your 17-year-old friends. But more importantly, start telling it to your 10-year-old friends—that is, you don't have to join the crowd, you don't have to follow the crowd, and you can leave a very strong mark for yourself.

Thanks.

Mrs. **Boggs**. We are so delighted that all of you are with us. Is there anything you would like to add? Cindy, is there anything you would like to add?

Ms. **Weickum**. I guess I in turn kind of reflect what everybody has been saying this morning. The biggest problem, as I see it, is trying to get all these systems working together for the benefit of the youth.

You have a big school system, you have a big social services system, you have a community-based group home. And trying to get all those systems coordinating for the benefit of one youth can sometimes be really troublesome for not only parents, but for the family teachers that are trying to do all that. They are trying to encourage youth to go back to school but then the school systems suspends them if they don't come to school.

Youth get all those mixed messages. We try to keep those straight for the kids. And I think it is really our biggest problem.

Ms. **Lyles**. Let me add that I would like to encourage you, as you talk with other groups of people, to talk with folks about working with very, very difficult persons, very difficult adolescents that have had serious criminal histories, I think that one of the things that we have got to do is to start working with those kids that just about nobody wants to deal with.

Because in the end, they end up back out on the street. They are going to be back out on the street. They are going to be the ones you are going to face, looking at a gun barrel, OK? And I think that at some point, we have got to realize that if they seem difficult as adolescents, if we don't put something in place to work with them, then later on as adults, we have really got to face a very serious problem.

A lot of us spend a lot of time locking our houses up. You have four or five different locks at the front door. The cost, in terms of burglar alarm systems and dogs and everything else and not being able to walk out on the street, is a part of the problem where we have difficult people, where we are not doing anything for them. And they are not the people that folks necessarily want to work with.

I think that in Louisiana, the office of mental health has really tried hard to work with those folks. And I challenge you in a year or so to come back and talk to Darius. I think at that point, he will have more to say to you. We have been working with him now maybe 5 or 6 months in total.

I think it is important that these people are the folks that we work with and we are really committed to going forward. So I challenge you to say that to people, that we have to work with the difficult folks in order to help our society out.

Mrs. **Boggs**. Thank you very much, Dr. Lyles. I thank all of you so much for being with us. Keep the faith, Darius.

Mr. **Banister**. All right.

Mrs. **Boggs**. Stay out there and influence other people.

Chairman **Miller**. We would be interested in hearing how you are doing later on too.

Mrs. **Boggs**. We surely would be. Thanks so much. Our next panel, if they would please come forward—Ed Earnest, who is the Program Director of Innovative Resources, Inc., from Birmingham, AL; Sister Anthony Barczyski, who is my good friend and Executive Director of Associated Catholic Charities in New Orleans; Sally Ellzey, also a Louisianian. She is executive director of Youth Service Bureau in Livingston Parish, LA.

We are delighted to have all of you with us. You have to use the microphones so that the recorder is able to capture all your precious words for us.

Mr. Earnest, would you like to start off, please?

STATEMENT OF EDWARD E. EARNEST, EXECUTIVE DIRECTOR, INNOVATIVE RESOURCES, INC., BIRMINGHAM, AL

Mr. EARNEST. Thank you, Mrs. Boggs. I would have to say that I have certainly enjoyed visiting this city. I usually call it my escape city. This is where I come when I need to get away from Alabama.

Mrs. BOGGS. Well, we are happy to have you refugees from Alabama and Arkansas with us.

Mr. EARNEST. I want to express my appreciation to this committee for its focus on children, youth, and families.

I can't help but think that this is perhaps one of the most critical areas on which we need to focus. When we start looking around as I have looked around in Alabama, I have seen our prison system go from a budget of $17.6 million in 1976, to $100 million today and the prison population go from 4,500 in 1976, to over 10,000 today. I can't help but think that we are tremendously missing the boat.

Before I go into talking about where I think some of the problems are, I want to describe my own background and kind of establish my credentials in this area.

I had a person—actually it was my former parole officer who introduced me in a speech a couple of years ago—who said I had attended elementary school the State training school and attended high school at one of our State prisons. After that I had entered the University of Alabama. And obtained a degree in social work and with a specialty in criminal justice.

In describing my background, I am going to place the focus more on my early childhood years and much less on the later years because I want to present this in the form of my analysis of what I was experiencing as a youth. I want to show that there were a lot of problems going on when I started getting into trouble with the law.

I was not just a kid who one day got up and said, I am going to go break into a place. It didn't happen that way. I was very fortunate. I was much more fortunate than most people who end up in prison or who end up in juvenile institutions because I was born into a family of seven kids. It was a strong family. Because of this, a lot of character was built in those early years, character that later I could use. I grew up on a farm, and as in my prepared testimony, I had the world as my playground. I had miles and miles of woods, creeks, branches. I could fish, after I picked cotton, and swim and had a great time.

But then problems started occurring. Alcohol was one of those problems. A fire that destroyed our house and contents was another. And then there was a drought in 1953, 1954 that knocked out all the crops. All the land was leased, so it wasn't a matter of being able to come back the next year and use the land as collateral or something to grow the crops.

So this ended up with our family breaking up. This affected the other members of the family, other than just me. My oldest sister was in college. She had to drop out, come back home and go to work. My oldest brother graduated from high school and joined the Navy.

My other brother dropped out of high school and joined the Navy. And I would like to say at this point, because it was such a terrific treat seeing him—this brother who dropped out of high school and joined the Navy is the engineering officer on the U.S.S. *Iowa* that was recently commissioned and put back into action. So I have to say that he did quite well for himself, coming from a high school drop out.

Mrs. **Boggs**. I have to tell you too, Mr. Earnest, that it was reconditioned at Avondale Shipyards here.

Mr. **Earnest**. When the family broke up, my mother moved us into the city. Taking a little country boy and putting him into town, other than just on Saturday, is hard for him to deal with.

My mother tried to get some assistance. She had never been employed. I won't say that she has never worked because you don't raise seven kids without doing an awful lot of work. But she had never been employed. She went to our welfare agency, social welfare agency, to ask for assistance and she was told, you look able to work, and she was sent on her way.

Later, she was able to find a job as a nurses aide at a hospital for the mentally retarded, making $147 a month. Wanting to improve that, she also enrolled in school to become an LPN.

Of course this took her away from the home 16 hours a day. By this time I was a very confused, very frightened very embarrassed and very lonely 11 year old, who understood little or nothing of what had happened to my in his life.

The miles of woods had become the streets. The school I had attended since the first grade and knew everyone had become a city school in which I knew no one. I did not know how to enter this new school setting, how to fit in, how to make new friends.

I began escaping the situation through truancy. While truant—and finding something to do when you are truant from school is one of the hardest things in the world—I eventually ended up running into other kids who were being truant and then started reinforcing each others deviant behavior.

One of the reasons, in my way of thinking, I was being truant from school was that every morning on the way to school, the kids would stop at the store and buy fireballs, and at breaks, they would buy popsicles. Well, there was no money to do that with.

So this guy dared me to break into the city newspaper which I did, and stole $44. Well, the next day you couldn't have kept me from school. You couldn't have hog-tied me and kept me from school because I went to that school and I bought every kid fireballs and popsicles.

Obviously I was trying to buy acceptance, and I had no idea how to find that acceptance, how to feel that I was truly a part of that school, that I belonged in that school.

Well, this led to 27 burglaries of businesses. I was caught, appeared before the judge several times, and was placed on probation several times. There were only 11 counties in our State that had juvenile probation officers at that time and ours was not one of them.

Later I was assigned a caseworker from the department of welfare, the same agency my mother had gone to to ask for assistance. Well, now that all these crimes had occurred, some focus was placed on me and on my family, but not until these crimes occurred. Our systems still operate the same way—after the fact.

When I turned 12 years old, I was committed to the Alabama Boys' Industrial School, the State training school. You know, I am still amazed that we come up with these names for these institutions that try to make them sound Positive. There is a lockup in one of the training schools in Alabama called the Positive Learning Center and it is nothing more than a lockup and that is all in the world it is. But we still keep trying to come up with these names.

The first month I spent in the training school, I cried the entire month. But then I adapted. I learned how to make it in an institution. I didn't learn a thing about how to make it in a community, how to make it in the streets, but I learned how to survive in the jungles we call our institutions.

There are people who have gone around and talked about the prisons as if they are Holiday Inns. I invite any of them to check in for a night, pay their $35 or their $100 or whatever. And then I would like them to come out the next morning and tell me, this is a Holiday Inn. I don't think that would happen.

I was released from the training school after 9 months. I stayed out 9 months and was then recommitted. This time I stayed 10 months, released, stole a motorcycle, visited the training school on the stolen motorcycle. The next week I was recommitted for stealing the motorcycle.

As I said, I learned how to make it well in an institution. I could succeed there. I could be important there. But I didn't know how to make it in the streets. I didn't know how to make it in the community.

When I was 15½, I ran away from the training school. I went to California. I ended up leaving California and coming back to Alabama and was picked up. Except now, it was no longer juvenile court. I was 16 years old so I was tried as an adult and sentenced to 12 years in prison.

I was very, very thankful that I had had the basic training in the juvenile institutions because this enabled me to survive in prison. So, as long as we keep the focus as is, I guess we need to keep our juvenile institutions so that we can train these kids to be able to survive in the prisons when they get there.

When I walked into that prison as a 16 year old, I was scared to death. But then I started seeing faces I recognized. These were my buddies from the training school. We had all just graduated. We had all just moved from junior high to high school was all in the world we had done.

In 1966 I was released from prison on parole and in 1967 I enrolled in the University of Alabama, as I mentioned earlier. While a student, I was working at a center for emotionally disturbed children, which was an interdisciplinary approach to working with kids with problems.

I am very hesitant to use the word, emotionally disturbed child, mentally retarded child, learning disabled child, runaway child, status offender child, or any other kind of labels that we have chosen in our society to put on kids.

We have categorized them and we say, OK, we are going to have to have a program to do this particular part of it. The only problem is that these kids, kids who are in trouble, kids who are having difficulty, there problems are dimensional.

We have seen it grow. We have seen resources put into it. Not in adequate resources, I might say, the same time, we have seen drastic increases in delinquency, teenage pregnancies, runaway youth, school dropouts, teenage alcoholism, school violence, youth unemployment. And we have established agencies and departments to deal with these particular things.

The problems of the kids are the same, whether you are talking about a status offender, a delinquent, a kid who is chronically truant from school, kicked out of school; the problems are the same. They are adolescents. They are experiencing difficulty. They are facing difficulty going on in their homes, in their environment, that they are not able to cope with. They need individualized attention in a comprehensive setting.

Over the years we have seen the development of specific programs for these groups. We have seen the development of other social service programs to provide specific services such as food stamps, medicaid and medicare, aid to families with dependent children. But these are under different laws, too, and each one of these agencies has different regulations.

Services to youth spread across several Federal and State departments and agencies. As I mentioned earlier, each operating under different regulations, while the youth involved in the problems mentioned above have common characteristics and needs that extend across several of these agencies and programs.

As a result of this specialization of services and training, each program or agency, tends to view the client in terms of the services or training provided by that agency and ignore other problems that are contributing to the behavior that has the youth involved with the agency to begin with.

By that I mean we are going to look at them in terms of the services that we are able to provide ourselves. A school looks at a kid in terms of academics, period. That is all they are going to look at them in terms of. They are not going to look at them in terms of the home or what is going on. This is an example of the need for individualized, coordinated, comprehensive services.

What we have ended up with is fragmented services, and we have taken the approach of working with people that is bits and pieces. I wanted personally to do something about kids being institutionalized, because I knew the effects of it.

Let's see, I was released in 1966. This is 1984, so 18 years ago. But there are still occasional problems that come up that I have to deal with from being locked up 9½ years, from the time I was 12 until I was 23 years old. Eighteen years later, still some of those problems that have to be dealt with. These long-term effects of institutionalization is one of the reasons I believe we should do everything possible to avoid this instrument. When we began developing the C.I.T.Y. concept we felt there was overutilization of residential placement. I didn't know then and I don't now know why we can't focus on working with the families, keeping the kids in their homes, addressing those problems in the home, helping families deal with the problems.

But that is not going to be enough either. When they face 85 percent of the kids we have worked with in our centers were functioning below-grade level, this must also be addressed. Now, I don't know if this is called learning disabled or not, returning to labels. I doubt it.

I have finally come up with my definition, after trying to find a definition for learning disabled. The only definition that I can come up with is a kid who is not functioning at grade level. And that seems to be the best one for me to take. What these youth need is remediation, not a label.

That has got to be taken care of. The school system does not remediate. At least in our State they don't. There are no remediation programs. Suspend them. Expel them. We have dealt with one superintendent who, he wrote his policy manual for the school, and that policy manual on one 8½ × 11 sheet of paper.

The final statement on this policy statement to the students says, "you have been informed that you are expected to maintain appropriate behavior at all times. Since you have been informed, you waive all rights to due process." Well, naturally that didn't hold up too well. But this was this superintendent's attitude toward the kids.

If a kid couldn't make it in his school and do right, then he was going to put him on the streets, and no other agency was to touch that kid. He said: "Make them suffer." And I am afraid there is too much of that attitude within our school systems, and that is one of the reasons we have not made much progress with youth. This same attitude, with many probation officers too.

Perhaps this attitude comes from the double role that they play. Are they a cop, to catch the kid doing wrong and arrest them, or is the probation officer's role one of identifying in some way the problems this youngster has and trying to find the services to work with that youngster?

This is a big conflict for a lot of probation officers, who they are and what their role really is.

When we take a look at the youngsters who have come through our program—and I have submitted a copy of the report on the program and it has demographic data so I am not going to spend too much time on that—we do know that 22 percent of our kids come from homes with both parents, both natural parents. Something is wrong there.

We do know that 85 percent of them are functioning below grade level. This can't be coincidental. We do know that 100 percent of them, not one single youngster, was involved in any extracurricular school activities. Not a single one was involved in athletic programs, speech clubs, or Spanish clubs, or any other activities like this, which really is not that much of a surprise, because these kids don't belong in school anyway. They don't fit there. They are not a part of it.

Last night I told a story about fishing. It is kind of like that. I believe that schools play such a major role in a youngster's social life that if something positive is happening there, that kid will come back. He is going to be there. But a youngster in the ninth grade, reading at a fifth-grade level—we are frustrating that kid. We are pushing that kid out on the streets. And then we will later spend $20,000 a year to keep him in a juvenile institution for 10 months, up to ten times what we spend on public education.

In developing the C.I.T.Y. concept, we took the approach of designing a nonresidential center that would be interdisciplinary in staffing and comprehensive in services. It sounds very similar to what is going on here in New Orleans at some of the places. The hub of it is kind of an academic remediation program: academic remediation, GED training.

But then we have a social worker, psychologist, counselor, and each one of those, in addition to carrying out certain functions in the program, such as some testing and things like this, each one of those carries an in house caseload of 10 kids. Those are their 10 kids. They are to do whatever is necessary in working with that family, linking with all these other agencies, and establishing these linkages which are already set in place, to bring to bear every single resource in that community in helping a family resolve their problems. We can't separate the kid from his family. That all goes together.

When a center first opens we tell the county we want your toughest and meanest kids. And that is what they give us. This is the only way we can show immediate impact.

In the Etowah County Center the first 30 kids had been convicted of 143 offenses before enrollment. The last 30 kids enrolled in that center have been convicted of 18. What happens in a county the size of Etowah, which is 110,000 people, you eventually work through those hardcore kids, who have reached the point of being what you would consider hardcore.

Once you work through that small handful, then you start getting kids referred by the schools, self-referrals, kids out running the streets, and this kind of thing. The moved is from prevention of institutionalization to prevention of juvenile crime.

Within 2 years in Etowah County, we reduced the commitment of kids to the State institutions by 92 percent, from 51 youngsters committed, down to 4. This saved the State over $1.3 million. But this prevents a problem that you as legislators are going to have to deal with. It is that these departments and agencies have been set up and they have grown. They are getting bigger.

When we start changing the focus, to really target in on the home and the community, working in the community, there is going to be some howling and beating of breasts because when that approach is taken, it is going to be very, very threatening to some of the bureaucracies that have developed under the system that we have been developing over the past 15 to 20 years.

Imagine the effect, when you have a 92-percent reduction and you drop down to four kids being committed from the seventh most populous county in the State, and you are operating three major juvenile institutions within that State, 500 employees.

What is going to happen when these centers—now that State legislature has jumped in and put some support behind them—what is going to happen when these centers are statewide? What is going to happen when there are not over 150 kids committed to the State in a year?

What is going to happen when you need to cut about 350 jobs in that State department? I know this: those employees and their association is going to be working on our State legislature when they see this is going to happen. And I think it is a fact of life. I think it is something that is going to be there. This is when the lawmakers must bite the bullet and decide whether it is the system or results they will support.

The things that I have heard today seem to be what has worked, what has been effective, has been in the community. It has been coordinated. The services have been coordinated. The resources have been coordinated.

There is one other area I would like for you to look at very carefully, too, and that is the results obtained by programs that work with youth. How much evaluation is demanded? How much focus is put on the performance accountability? How long can programs or institutions operate when you ask: What percentage of kids that go through your program are convicted of new offenses within a year after leaving the program? And they say, I don't know. We don't do followup. Or just, we don't know.

I think if people in the field are going to be professionals, if we are going to be professional treatment people, I think we must perform. I think that you should look at whether there truly is any performance accountability. There is fiscal accountability. I know that because I deal with it daily. But there is no performance accountability.

We can be 10-percent effective or we can be 90-percent effective and it doesn't matter.

I will close my discussion here because I want to hear from these other two people. Thank you very much.

Mrs. BOGGS. Thank you very much, Mr. Earnest.

[Prepared statement of Edward E. Earnest follows:]

PREPARED STATEMENT OF EDWARD E. EARNEST, EXECUTIVE DIRECTOR, INNOVATIVE RESOURCES, INC., BIRMINGHAM, ALA.

Ms. Chairwoman, I want to express my appreciation for the work of this committee in the area of children, youth, and families. I know of nothing in our society on which more focus should be concentrated. The children are the future of our nation and the family is the basic fabric of our society. Without emotionally and physically healthy children and families our great nation faces doom from within. Because of this belief, I, as a representative of Innovative Resources, Inc., very much appreciate the opportunity to give input into the problems of children, youth, and families and to present an approach to addressing these problems in a more effective and efficient manner by providing coordinated comprehensive services and training to youth and their families. Before addressing those topics, I will take a moment to describe the development of my interest in delinquency prevention.

My early years were those of a happy barefoot farm kid who, when chores are done, has the world as his playground. There were miles and miles of woods with branches and creeks in which I played. However, all was not play. Each family member (two brothers, four sisters, mother and father) had certain tasks to perform to keep the farm and family in operation. The farm was rather large, about a thousand acres. All the land was leased. All appeared well in our family until major problems began occurring. Alcohol was one of these problems, a fire that destroyed our house and contents, but I think the one that broke the camel's back was the drought in 1953-54 that knocked out all the crops. These resulted in the breaking up of our family.

My oldest sister was in college, my oldest brother had graduated from high school and joined the navy, my other brother dropped out of school shortly after the breakup and joined the navy. In the meantime, my older sister dropped out of college, moved back home, and went to work. My mother had rented one side of a duplex in the city and moved my three younger sisters and me into the duplex.

My mother tried to get assistance but none was available. Although she had never been employed, she searched until she obtained a job as a nurse's aid at a hospital for the mentally retarded and was earning $147.00 per month. Wanting to improve that, she enrolled in LPN training. This resulted in her working eight hours a day and attending school eight hours a day.

By this time, I was a very confused, very frightened, very embarrassed eleven year old who understood little or nothing about what had happened to his life. The miles of woods had become the streets; the school I had attended since the first grade and knew everyone had become a city school in which I knew no one. I did not know how to enter this new school setting, how to fit in, how to make new friends. I began escaping the situation through truancy. Eventually, while truant, I ran into another kid who was also truant and having a lot similar problems. Upon a dare from him, I burglarized the town newspaper and took forty-four dollars. Over a short period of time, I burglarized twenty-seven businesses, and, after several appearances before the judge for other offenses, and my twelfth birthday, I was committed to the Alabama Boy's Industrial School. Before being committed, I was assigned to a caseworker with the Department of Pensions and Securities who functioned, more or less, as my probation officer. It was ironic my mother was unable to obtain any assistance from this department when the family breakup occurred, but once a crime was committed, attention and resources, mainly in the form of the caseworker, were focused on our family. I'm afraid the focus of our nation is still on after-the-fact rather than prevention.

Upon my arrival at the Boys Industrial School, I cried the entire first month. But, at the end of that first month, I adapted to that institution. I went about the task of learning how to make it in an institution, not on how to make it in the community. After three trips to the institution and 3½ years, I ran away and went to California. I returned to Alabama, burglarized several places, was caught, but it was no longer the juvenile system. I was now 16 years old. I was thrown into the bullpen with offenders twice my age. I was eventually tried and sentenced to 12 years in prison. I was thankful I had basic training in the juvenile institution, for this enabled me to survive in prison.

After serving six years, I was paroled from prison. In 1967, I enrolled in the University of Alabama and after changing majors several times, eventually settled on and completed a degree in social work. While a student, I worked at the Ridgecrest Children's Center, a center for emotionally disturbed children. In 1971, I suggested to the Director, Dr. J. Wesley Libb, that we could develop an approach to working with kids who are in trouble with the law that would be comprehensive, interdisciplinary, and would focus on the family. Thus the concept was conceived. Since 1971, my total focus has been on these same youth and the further development of this concept as an effective and efficient approach to serving youth and their families who find themselves becoming active participants in many of the problems facing our society.

Over the past several years, our society has seen drastic increases in the occurrance of adolescent problems: juvenile delinquency, teenage pregnancies, runaway youth, school dropouts, teenage alcoholism, school violence, youth unemployment, etc. In response to these growing problems, our nation has developed specific programs to target these specific groups. In addition, we have seen the development of other social service programs providing specific services such as food stamps, medicaid and medicare, aide to families with dependent children. These programs and services available to youth spread across several federal and state departments and agencies, each operating under a different set of regulations, while the youth involved in the problems mentioned above have common characteristics and needs that extend across several of these agencies and programs. As a result of this specialization of services and training, each program or agency tends to view the client in terms of the services or training provided by that agency and ignore other problems that are contributing to the behavior that has the youth involved with the agency to begin with. This fragmentation of services and training for young people is inefficient and generally leaves programs operating at a fraction of their potential for effectiveness in eliminating the problems faced by our society. To illustrate this point, Ms. Chairwoman, I want to describe the average youth who has been enrolled in the youth centers operated by our organization, his family situation, a needs assessment, and the agencies that would need to be involved in meeting those needs.

Jimmy is a fifteen year old seventh grader who is demonstrating behavioral problems at school. He is beligerent, resents authority, is frequently truant, has problems in his interactions with other students, and he is involved in no extracurricula school activities. According to academic testing results, he is functioning at fifth grade level. The school has no academic remediation nor the counseling capacity to identify other needs of the youth. He is facing expulsion from school and will be expelled unless he turns sixteen and drops out before that can occur. Upon examination of this youngster's total environment, we find there are other problems contributing to the behaviors exhibited in school. When we look at his family situation we find he resides in a single parent home with two younger siblings. After twelve years of marriage, the father moved out leaving a mother and three children with little means of support. The mother has never been employed and has few marketable skills. She has health problems that have gone unattended because of finances. There is a great deal of stress from fear of not being able to meet basic needs (food, clothing, shelter, Christmas) and this has an impact on how she interacts with her children. She is depressed and is approaching a point of hopelessness. Her twelve year old daughter is beginning to show behavior problems similar to those of her older brother. Jimmy is losing in every phase of his life, but it is not just Jimmy who is losing. Four people are losing: Jimmy, his two younger siblings, and his mother. If Jimmy and his family are to become productive, contributing members of the community, the following needs must be addressed:

Jimmy: Academic remediation, individual counseling, social skill training, basic employment skills, family counseling, and others.

Mother: Basic needs assistance, individual counseling, family counseling, technical skill training, employment, health care, and others.

Siblings: Family counseling and others.

In meeting these needs, we come face to face with the problems created by fragmented services. Addressing these problems in our great State of Alabama requires services provided by six or more agencies, each operating under their own set of regulations. Some services are not available, i.e., academic remediation, social skill training. The majority of services needed are already in the community, but there is no point of coordination of those services. So, instead of a coordinated comprehensive all out frontal attack on all the problems confronting a youth and his family, the approach has been to concentrate on bits and pieces; instead of concentrating on developing healthy, strong, independent families, we have concentrated on the subject exhibiting unacceptable behaviors and focused our efforts and resources on stopping those behaviors. The results of this approach is a high crime rate, more people incarcerated than ever in the history of this country, a bulging welfare roll, a high level of delinquency, a high level of teenage pregnancies, and so on.

Ms. Chairwoman, after working with young people for the past fifteen years, it has become clear to me that the behaviors exhibited by youth which are unacceptable in our society are no more than symptoms of deeper, underlying problems within the family. While we must confront the behaviors exhibited by youth, we cannot ignore those underlying problems. We cannot continue to separate the problems and needs of youth from the problems and needs of the family. The capability to address those underlying problems requires services provided by several different agencies, and sometimes it requires the creation of new services. Thus, the need for coordination of services.

Ms. Chairwoman, my purpose for being there today is not just to present problems relating to children, youth, and families but also to present to you an alternative that makes efficient use of resources available to children, youth, and families while at the same time increasing the effectiveness level of all those services in resolving or at least decreasing many of the problems facing our modern American society. The Community Intensive Treatment for Youth (C.I.T.Y.) Concept is our attempt to provide the coordination of local and state resources so that a coordinated, comprehensive approach can be taken in not only meeting the needs of the acting out youth but also the needs of the total family. We believe that by concentrating on the family rather than just the youth, we are preventing the younger siblings from becoming involved in the problems of society such as delinquency, teenage pregnancies, runaways, child abuse, and other problems whose base is to be found in the family.

Since time will not permit a thorough description of the C.I.T.Y. approach to working with youth, I ask that a report entitled "The Community Intensive Treatment for Youth (C.I.T.Y.) Concept, A Report," dated February 28, 1984, be entered into the record immediately following my statement.

The original C.I.T.Y. Program was under the direction of the Ridgecrest Children's Center, the University of Alabama and was funded through a grant from the Alabama Law Enforcement Planning Agency. This program resulted in an 85 percent reduction in the commitment of youth to the State of Alabama, and a five year follow-up performed by the court showed 16 percent of the youth enrolled in that center had been convicted on new felonies. There are two centers currently in operation: The C.I.T.Y. Program, Gadsden, Alabama and the Developing Alabama Youth (DAY) Program, Shelby County, Alabama. The C.I.T.Y. Program is funded 95 percent by the Jobs Training Partnership Act and 5 percent by the local school systems. The Shelby County Center is funded 65 percent by Jobs Training Partnership Act funds and 35 percent by the Shelby County School system funds. In addition, contributions to these programs have been made by individuals, civic clubs, and businesses.

These youth centers are co-educational, non-residential facilities designed to meet the needs of adolescents 12–18 years of age and their families who are experiencing problems beyond the control and assistance available in the community. As a multidimensional program emphasizing habilitation rather than control through fear and incarceration, the centers focus of equipping the adolescent with the skills needed to meet the demands of modern society.

The C.I.T.Y. Concept is designed as a two stage prevention program. The first stage concentrates on the prevention of the institutionalization of children. Initially, all referrals to a program are made by the court, and the focus is on the most chronic and severe offenders. In an area with the population of Etowah County, approximately 110,000, the court soon reaches the point it does not have enough referrals to keep the program at capacity. Once this point is reached, the second stage of prevention begins by opening the program to referrals from the school, welfare, and mental health systems as well as self-referrals of youth who have dropped out of school and have been wandering the streets. The effort at this point is to prevent the youth from becoming formally involved with the court system.

Under the C.I.T.Y. Concept, each program is designed to provide certain training and services internally while establishing linkages with other agencies in the community to obtain services needed by an individual youth and his/her family but are not provided within the program. The services and training provided directly include academic remediation/G.E.D. preparation, family counseling, individual and group counseling, basic employment skill training, social skill training, consumer education, and a behavior change program. Through linkages established with other agencies, the program has the ability to bring into play health and welfare services, technical training, advanced education, employment services, recreational programs, drug treatment programs, etc. In other words, Ms. Chairwoman, through this approach, every resource available in the community can be brought to bear in helping adolescents and their families bring their lives into focus and get themselves on the road to becoming productive members of the community.

Ms. Chairwoman, this approach is effective in reducing commitments to the state, reducing costs, and reducing juvenile crime. For example, the year before the program opened in Etowah County, fifty-one youth were committed to the state of Alabama. This was the year 1980. In 1983, only four youth were committed, a ninety-two percent reduction over a three year period.

As of December 31, 1983, 212 youth had been enrolled in the two existing programs, and 161 of the 212 had been convicted or adjudicated on a total of 405 offenses prior to enrollment, an average of 2.5 adjudications each; 38 (17.9 percent) have been adjudicated of new offenses after enrollment and 19 of that 38 (9 percent) have been adjudicated for commiting new felony offenses after enrollment. Of the 38 youth adjudicated for new offenses after enrollment, eleven (5 percent of the total) have been committed or sentenced to serve time: Five have been committed to the State Department of Youth Services, four have been sentenced to prison, and two have been sentenced to jail terms.

Ms. Chairwoman, based on the reduction in commitments alone, the cost to serve the youth of Etowah County was $1.3 million less over the past three years than the cost would have been had the program not opened and commitments had stayed constant at the 1980 level.

Other effects covered in the aforementioned report include a 22 percent reduction in petitions filed with the court, a 34 percent reduction in court cases, and a 50 percent reduction in child detention days.

Ms. Chairwoman, the C.I.T.Y. Concept clearly shows crime and its related cost can be reduced by effectively addressing the problems of youth in the community that works with the family to strengthen the family unit, coordinates and utilizes local resources, and teaches youth how to succeed in the community, the chances of a person becoming a victim of crime are greatly reduced. Not only does this approach have a positive impact on crime, but addresses, both directly and indirectly, the problems of school violence, the school dropout rate, teenage pregnancies, and through these, the welfare system.

Ms. Chairwoman, members of this most important committee, I want to thank you for the opportunity to appear before you to discuss what I truly believe is our nation's most important resource, our children.

THE COMMUNITY INTENSIVE TREATMENT FOR YOUTH (C.I.T.Y.) CONCEPT

INTRODUCTION

From the earliest of time, efforts have been made to control crime in society. It was not until the nineteenth century these efforts began to be called systems—the criminal justice and juvenile justice systems. These systems were developed and promoted by the political structures of the time to control and prevent crime. As different regimes came into control of the political structure, the approach taken to control and prevent crime swung much like a pendulum. The pendulum swings from harsh, repressive control of crime by focusing on the offender to a focus on the social institutions such as family, economic conditions, education, etc. to control crime. Whatever method of crime control used by the ruling party, there inevitably occurs an attack on those methods by the party trying to gain control.

Four essential components comprise the contemporary American criminal justice system: (1) retribution, the punishment of offenders; (2) deterence, the attempt to discourage potential offenders through the threat of retribution; (3) correctional or rehabilitative treatment; and (4) prevention, the implementation of programs intended to combat those psychological and social conditions thought to be conducive to criminal behavior. In America today the weakest of these is prevention. The prison population in America has almost doubled over the past eight years. The prison population in Alabama has more than doubled over this period from four thousand in 1976 to ten thousand today. The cost of this has been staggering. Yet, it has not had that great of an effect on the rate of crime.

Regardless of the changes in thought as to how to best control crime, one element is missing: evaluating the approach being taken at the time in terms of the purpose of the criminal or juvenile justice system which is to reduce crime and therefore reduce a person's chances of being a victim of crime. This lack of honest and meaningful evaluation has led to higher crime, more people incarcerated, and a tremendously high tax expenditure.

The Community Intensive Treatment for Youth (C.I.T.Y.) Concept described on the following pages takes the approach that if we are going to reduce the occurrence of crime and the costs associated with it, we must do the following: (1) Identify the characteristics of youth who become involved in the justice system, (2) design the approach to address those identified characteristics, (3) address the problem at its source, the community, and (4) evaluate the results in terms of new convictions, crime rate in the community, types of crimes occurring in the community, and the impact on costs.

THE PROGRAM

The C.I.T.Y. Concept is in operation in two counties in Alabama, the C.I.T.Y. Program, Etowah and the D.A.Y. (Developing Alabama Youth) Program, Shelby County. In describing this concept, four elements will be covered: (1) characteristics of youth enrolled in the centers, (2) services and training provided the youth enrolled, (3) results, and (4) organizational structure. The C.I.T.Y. Program (Gadsden) opened January 1, 1981 and the Shelby Center opened August 1, 1982.

DEMOGRAPHIC CHARACTERISTICS

As of December 31, 1983, 212 youth had been enrolled in these centers. Most of these youth were referred by the Juvenile or Family Court. However, more of the youth today are referred by the local school systems. Demographic characteristics follow:

1. Enrolled to date: 212 (152 in Etowah, 60 in Shelby)
2. Age:
    13=3 (1.4 percent)
    14=16 (7.6 percent)
    15=35 (16.5 percent)
    16=70 (33.0 percent)
    17=60 (28.3 percent)
    18=28 (13.2 percent)
3. Race:
    White 151 (71.2 percent)
    Black 61 (28.8 percent)
4. Sex:
    Male 169 (79.7 percent)
    Female 43 (20.3 percent)

5. Resides With:
    - A. Two Parent Home—120 (56.6 percent)
        - a. Mother/Father—48 (22.6 percent)
        - b. Mother/Stepfather—28 (13.2 percent)
        - c. Father/Stepmother—3 (1.4 percent)
        - d. Adopted (Mother/Father—2 (.9 percent)
        - e. Grandparents—15 (7.1 percent)
        - f. Foster Parents—6 (2.8 percent)
        - g. Group Home Setting—17 (8.0 percent)
        - h. Sister/Brother-in-law—1 (.5 percent)
    - B. Single Parent Home—89 (42.0 percent)
        - a. Mother—61 (28.8 percent)
        - b. Father—12 (5.7 percent)
        - c. Grandparent—6 (2.8 percent)
        - d. Aunt—4 (1.9 percent)
        - e. Sister—2 (.9 percent)
        - f. Brother—2 (.9 percent)
        - g. Cousin—1 (.5 percent)
        - h. Friend—1 (.5 percent)
    - C. Independent—3 (1.4 percent)

Only 48 of the 212 enrollees 22.7% reside with their natural parents and 42% reside in single parent homes. Experience has taught us the very basis of the problem lies in the home. By a large majority, these youth come from homes either disfunctional or disrupted.

6. Receives Public Assistance:
    - AFDC—17 (8.0 percent)
    - SSI—54 (25.5 percent)
    - Both—12 (5.7 percent)
    - None—129 (60.8 percent)
7. Younger Siblings in the Home:
    - A. yes—122 (57.5 percent)
    - B. no—90 (42.5 percent)
8. Educational Functional Level in Relation to Grade Level:
    - A. At or above grade level: 31 (14.6 percent)
    - B. Less than 1 year below: 33 (15.6 percent)
    - C. More than 1 but less than 2 years below: 53 (25.0 percent)
    - D. More than 2 but less than 3 years below: 34 (16.0 percent)
    - E. More than 3 years below: 61 (28.8 percent)
    - F. Range: 1 year 8 months above—4 years 3 months below grade placement

Therefore 181 of 212 (85.4 percent) of these youth were functioning below grade level upon enrollment.

9. Offense History Before Enrollment:
    - A. Offense convictions (Total number of youth)
        - a. none: 51 (24.1 percent)
        - b. felonies: 63 (29.7 percent)
        - c. misdemeanors: 52 (24.5 percent)
        - d. status: 46 (21.7 percent)
        - B. Total Number of Offense Convictions
        - a. felonies: 101
        - b. misdemeanors: 161
        - c. status: 115
        - d. technical violations: 28
        - e. total offense convictions prior to enrollment: 405
        - f. average 1.9 convictions upon enrollment

These data indicate youth who become involved with the juvenile justice system are 16 year old white males who live in a disfunctional or disruptive home in which there are younger siblings. The majority of these youth (85.4 percent) are functioning below grade level academically and are experiencing very little success in their lives.

SERVICES AND TRAINING PROVIDED

The C.I.T.Y. Program concept is one that has been under development in Alabama since 1972. The program has the following characteristics:

1. Intensified Probation: The concept provides a local comprehensive youth center to be used by the court and probation staff when straight probation is not enough to deal with the youth's problems. This approach provides constant feedback to the

court on the progress being made by a youth to be used by the court for further disposition.

2. Non-residential: The youth enrolled in the program continue living at home. This enables the program to work with the home situation in an effort to strengthen the family unit.

3. Co-educational: The program provides services to both male and female youth 12 to 18 years of age, who come to the attention of the court.

4. Individual Services and Training: Each youth who is enrolled in this program is different. Therefore, the program is designed to meet the needs of individual youth rather than all youth enrolled fitting the needs of the program.

The C.I.T.Y. concept directly provides individualized services and training to each youth in the following areas:

1. Academic Remediation/G.E.D. Training
2. Basic Employment Skill Training
3. Individual, Group, and Family Counseling
4. Social Skill Training
5. Consumer Education
6. Behavior Change Program

In addition to providing the above services and training directly, each program establishes linkages with other community agencies to obtain services as needed by youth. These agencies include:

1. Community Health centers
2. Pensions and Securities
3. Mental Health Centers
4. Vocational/Technical Schools
5. Public Schools
6. Junior Colleges
7. Y.M.C.A.
8. Employment Services
9. Drug Treatment Facilities
10. Volunteer Programs (R.S.V.P.)

Since these programs are located in the community, all the services of local agencies can be utilized rather than duplicating these services by installing these components in the programs, (i.e., the program does not employ a doctor because this is available in the community).

RESULTS

The goals of the C.I.T.Y. concept are:

1. to reduce the commitment of youth to the State by 50% and thereby reduce the demand for additional institutional bedspace,

2. to demonstrate that less than 20 percent of youth enrolled will be convicted of new crimes from date of enrollment,

3. to demonstrate that the actual number of case convictions are significantly lower when comparing case convictions after enrollment with case convictions prior to enrollment,

4. to demonstrate 50 percent less cost in working with these youth when compared with the cost of institutionalization.

A comparison of goals with results shows the following:

1. Commitments to the State

These data are not yet available for 1983 from either the Alabama Department of Youth Services or the Shelby County Court on that county. Therefore, the following is data on the Etowah County center.

C.I.T.Y. program opened January 1, 1981

Year:	*Commitments*
1980	51
1981	19
1982	6
1983	4

This demonstrates a 92 percent reduction in commitments over a three year period of time, exceeding the goal of a 50% reduction in commitments.

2. Convicted of new offenses after enrollment. The goal is that less than 20 percent of youth enrolled will be convicted of new offenses after enrollment. Follow-up on the 212 youth enrolled show the following:

Type of offense	Number of youth	Percent of youth enrolled
None	174	82.1
Misdemeanors	9	4.2
Felony	19	9.0
Status	3	1.4
Technical violations	7	3.3
Total	212	100.0

This Table demonstrates 82.1 percent have not been convicted of new offenses, again exceeding the goal of 80 percent with no repeat offenses. Of the repeaters, 4 have been sentenced to adult prison, 2 have been sentenced to jail, and 5 have been committed to juvenile institutions.

3. Case convictions prior to enrollment vs. case convictions after enrollment (actual number of cases).

	Cases prior to enrollment	Cases after enrollment	Difference
Felonies	101	39	−62
Misdemeanors	161	44	−117
Status	115	3	−112
Technical violations	28	10	−18
Total	405	96	−309

This clearly demonstrates the effectiveness of the concept in preventing repeat offenses by youth enrolled in the program.

4. Costs: The goal was to demonstrate 50 percent less cost when this approach is compared with institutionalization. Since data is not yet available on the Shelby center, the report on this factor relates to the Etowah County center. Attachment A clearly shows this approach to be fiscally sound. The Table demonstrates that had the C.I.T.Y. Program not opened and commitments had stayed at the 1980 level of 51, the cost to the State of Alabama to serve the youth of Etowah County would have been $2,320,000.00. Instead, the acutal cost over the three year period with the C.I.T.Y. Program was $1,059,000.00, a savings of $1,261,000.00, a 55 percent reduction in cost.

Other evidence that demonstrates the effectiveness of this concept include the following:

1. There has been a 22 percent decrease in petitions filed with the court in Etowah County since the program opened in 1981. There has been a 13 percent decrease in petitions filed with the Shelby County court since the program opened.

2. There has been a 34 percent decrease in court appearances or court sessions in Etowah County since the program opened. This data not yet available on Shelby County.

3. Child detention days of youth in Etowah County have been reduced 41 percent from 1414 days prior to the program opening to 838 the last reporting period. This data not yet available on Shelby County.

ORGANIZATION

Both existing programs are headed by local foundations specifically created to oversee these programs. The Foundations are designed to have fifteen members on its Board of Directors with representatives from business, local agencies, law enforcement, and youth. The organization that developed this concept, Innovative Resources, Inc., is under contract with the local foundations to manage the programs. An annual review of Innovative Resources effectiveness in managing the programs occurs.

FUNDING

The Shelby County center is funded 65 percent by Jobs Training Partnership Act (JTPA) and 35 percent by the Shelby County School System. The Etowah County center is funded 95 percent by JTPA and 5 percent locally with movement toward the 35 percent local contribution. Efforts are underway to obtain 65 percent funding from the State of Alabama and 35 percent local.

AWARDS

This concept received national recognition twice in 1983. The National Coalition for Jail Reform whose membership includes the National League of Cities, American Bar Assocation, etc. designated the C.I.T.Y. Program the National Model for Comprehensive Youth Services Centers. On July 12, 1983, the National Council of Juvenile and Family Court Judges presented this program its award for the Most Innovative and Unique Juvenile Justice Program for 1983.

CONCLUSION

The data presented in this report clearly shows crime and its related costs can be reduced by effectively addressing the problems of youth in the community. By taking an approach that works with the family to strengthen the family unit, coordinates and utilizes local resources, and teaches youth how to succeed in the community, the chances of a person becoming a victim of crime is greatly reduced. Not only does this approach have a positive impact on crime but also addresses the problems of school violence, school dropout rate, teenage pregancy, and indirectly, the welfare system.

ATTACHMENT A.—SAVINGS RESULTING FROM THE DECREASE IN COMMITMENT OF YOUTH FROM ETOWAH COUNTY TO THE ALABAMA DEPARTMENT OF YOUTH SERVICES

Year	Commitments to DYS	Cost per youth served: DYS	Total cost had commitments stayed at 1980 level	Actual cost with C.I.T.Y. program	Savings
1980	51	$10,000			
1981[1]	19	12,000	$612,000	$493,000	$119,000
1982	6	16,000	816,000	326,000	490,000
1983	4	17,500	892,000	240,000	652,000
Toltal cost over 3 years without C.I.T.Y.			2,320,000		
Total cost over 3 years with C.I.T.Y.				1,059,000	
Total savings over 3 years					1,261,000

[1] The C.I.T.Y. Program began in Etowah County on Jan. 1, 1981 and was funded totally by the Comprehensive Employment and Training Act. The local school systems are beginning to share in the cost of this center.

Mrs. **Boggs**. Sister, it is so nice to have you with us. I was telling my colleagues here that I don't know anything that is done for the good of the community or for individual persons within the community that Sister isn't involved in.

And she has a genius for involving her friends in the same endeavors.

STATEMENT OF SISTER ANTHONY BARCZYKOWSKI, D.C., EXECUTIVE DIRECTOR, ASSOCIATED CATHOLIC CHARITIES, NEW ORLEANS, LA

Sister **Barczykowski**. Thank you, Mrs. Boggs. I am very happy to be here and to be able to address you and other members of the committee.

I am Sister Anthony Barczykowski and I am executive director of Associated Catholic Charities in New Orleans. On an annual basis, our agency provides services to about 36,000 persons through 45 programs. I share this information with you, only because it has taught me so much.

Not only do we deal with children, but we deal with families who attempt to seek assistance before they fall apart. We have shelters for battered women, for homeless women, and our experience has been that for every woman who comes into our shelter, we have one to four children there.

This, we didn't anticipate. We knew that children would be involved, but we didn't realize the extent. Many of the women need mental health services and assistance with emotional problems in addition to presenting problems.

My office is on the fourth floor. Every day, in order to get there, I walk through the lines of people who come to us because they are unemployed. The number of people who are hungry, who are unemployed, who come to us for emergency assistance, has increased to over 1,200 a month. We are just one agency in the city. There are many other agencies who could speak to this same issue.

It is a good experience for me to go through those lines. It is a good experience just to say, good morning, because it constantly reinforces the needs that exist in our present society.

I am here today because of my concern for the well-being of children, particularly dependent, neglected, abused, exploited, and delinquent children. The complexity and the philosophy of Federal and State regulations is recognized. We work with it all of the time. Budget restraints are acknowledged. Like you, we know what fiscal accountability is.

I believe the trends in services in Louisiana over the past 12 years have followed, to some extent, national trends and Federal laws. People have already talked about some of the laws: Public Law 94-142, which established legal mandates, regulations, and funding for educational services to handicapped children; the establishment of community mental health services in the 1970's as a network for reaching people in their own communities; Public Law 96-272, which has already been referred to.

Then the work of other entities: The National Advisory Committee on Criminal Justice Standards and Codes; the National Committee on Child Abuse and Neglect, and the Office of Adolescent and Family Life, consistently prod us to improve our delivery services.

There are some other trends that I just want to briefly identify. Reductions in discrimination to the physicallv handicapped have occurred, as laws and regulations, service providers, and industry have responded. National concern over increase in teenage unwed mothers and relationship of this epidemic to child abuse and children with significant handicapping conditions has increased.

Therapeutic technologies focus much more on the entire family, rather than on individual clients. We have a long way to go, but we think there are some promising results.

The impact of Federal court decisions on service delivery systems has been a growing national phenomenon which has received mixed reviews by researchers, professionals, and the general public.

In Louisiana, the Gary W. decision in 1974 has led to the deinstitutionalization and other changes in the quality of services for the mentally retarded. It hasn't been a smooth road and we have a long way to go.

In addressing problem areas and needed changes related to service delivery systems in Louisiana, there is no intent to diminish the significant contributions of many caring and concerned persons who have labored diligently and laboriously on behalf of our children.

The history of services in our State reflects a steady, if gradual, awareness of the need for refinement of services, programs, and organizational structures for improved service delivery. However, continued controversy over problems and how to resolve them, and strongly held biases and attitudes often hinder progress.

Integration of services to children and families is often poor. Problems of integration occur across departments, across offices, within the Department of Health and Human Resources, and across service entities at regional and local levels.

Additional problems relate to the integration and coordination of responsibilities with the juvenile justice system and with the Department of Education. As has been said so many times this morning, the delinquent child is part of a troubled family. There is a substantial link among children who are battered, abused, neglected, and delinquent.

Louisiana appears to have areas of adequate services and other areas of inadequate quantities of services in the continuum of care for families and children.

State plans have been developed: title XX, preplacement prevention programs, office of mental retardation. Full service, on paper, includes assessment, emergency response, ongoing treatment programs, and good case management. However, poor implementation of these plans remains a critical issue, not so much because we are not trying, but again, because we have lack of dollars to implement good preventive programs.

Then there are unclear lines of responsibility and authority. High caseloads, limited training, poor worker supervision, poor compliance with policies, and lack of access to support services, which hinder appropriate decisionmaking.

The problem is further complicated by the inadequacy of existent services for the emotionally disturbed, the violent, aggressive, sexually abused, or mentally retarded child, who is adjudicated, and by the lack of funds to develop needed services. All of this is compounded in Louisiana—and I dare say other places—by a serious lack of reliable statistical information.

This too, has been alluded to, but I am probably going to stress it a little more. There is no adequate case management or client tracking mechanism in place. A recent committee report confirms again that once a child enters the system, there is no way of tracking what happens to that child.

On a personal basis, we all can probably identify certain success stories. We can also identify those situations where we did not meet with success.

In our shelter for homeless women last night, we met a child who had previously been placed in one of our other programs. Two weeks ago I was at a convention in Gulfshores. I went into a restaurant and a girl came up to me. She was a waitress and she said, Sister Anthony, I was in your program 2½ years ago. I want to thank you for what you did and I want you to know I have been working for 2½ years and someday I want to come back to that program and I want to tell the girls there what you did for me. And I want to do that because I want to give them some hope.

Those examples, those instances, I guess, give us the courage and the hope. We know and we believe we are doing something. We also know that there is much more that has to be done.

Regional planning allowing for rural and urban differences is imperative. Yet it cannot be implemented without mechanisms being established for gathering and reporting reliable information and statistics.

There is a big difference about needs in New Orleans, in Shreveport, Thibodaux, Jefferson. We cannot address problems unless we know what those problems are. We need some kind of automated method for processing data. We must be able to generate consistent inventories of service, statistical counts, and characteristics and problems of families. I am not out to sell computers, but it is impossible for us manually to do all the paperwork that has to be done. We need some reliable kind of data.

We need data that is understandable, that is readable. We don't want a lot of reports that mean nothing to us. Dollars have to be spent on design errors, and processing restrictions must be eliminated. We must be able to validate our output-income. It just doesn't make sense, when you try to deal with problems and the people say, it is a computer problem. We waste more dollars and more human resources saying that we have these problems or saying that we don't have the money to correct the problems, than we do many time in delivering direct services.

The burden of analyzing and obtaining input and outcomes cannot be placed directly upon the professional people involved. We keep piling additional burdens, additional responsibilities on people who already have high case loads. So instead of directing our services to the people that need our help, we are sitting there compounding paperwork and saying to people, you are not giving us enough written information.

Accurate data would allow for the identification of the system weaknesses and program gaps, so that change can take place and appropriate action initiated.

Turning around systems is a challenge we must all be ready to face. Both public and private providers must be willing to change, to take risks. The public and private providers must enter into a new and deeper level of cooperation and coordination.

I really do believe that many of our problems could be resolved if we would be willing to give up some of our own turf and to say, if our services aren't needed, then let's do something else. The problem is we know if we let go of some of the things we are doing, there is nothing else there and that the people will not receive any kind of assistance.

To turn our system around, we must address the issue of preventive services and early intervention, while at the same time recognizing that some children must be removed from dangerous home situations.

We have had several tragedies in our State this year where children have been returned and they end up dying of abuse.

Preplacement services might include such things as parenting skills training, protective service counseling, financial and housing assistance, medical services, legal services, respite care. You can name all kinds of things. You might even offer educators some additional mental health services within the school system so that instead of having to put the kids out or suspend them, that there would be some assistance there to help the teachers cope with the problems that they too face.

I was at a public hearing here last year. It had to do with deinstitutionalizing some of the State programs for the mentally retarded. We had parents in attendance at the meeting and they were talking about taking some of the children from the State school and placing them in community-based programs. And in the course of the discussion they would say, we would pay this family to take care of these children and it would be cheaper.

A mother stood up and said, "Am I hearing you correctly?" "Are you saying that if you take my child out of this school and you place him with this family, you will pay the family to take care of the child?" And the answer was, yes. And she said, "if you would give me that money, I could take care of my own child. I would like to take care of my own child."

And the answer was, we agree with you, but the system doesn't permit it. That is a sad indictment on our society.

Limited dollars are spent on prevention programs. In Louisiana there has been a freeze on voluntary placements of children needing residential care for over a year. There is no assistance for families who seek to help themselves. There is a limited survey that was performed by the children's bureau that indicated that over 85 percent of children placed voluntarily are returned home before 6 months, while 48 percent of those under court order are returned within that period. The remainder, averaging about one-third of these children, are prime candidates for long-term care.

Plans should be developed to raise awareness of the problems of children and youth. We must inform the general public about the issues involved. We must increase public awareness of need, children's rights, and how together we might plan more effectively for the future.

We must advocate for sound policies, adequate resources, and trained personnel. We must monitor services, programs, and fiscal management.

Severe budget restraints can only help reinforce the need for evaluation of services based on research or reliable data. As already indicated, here in Louisiana, we do not have a way of assessing or evaluating what we are doing. I submit, again, we are not the only State in this predicament.

Measurements of effectiveness linking input to impact upon clients is absolutely necessary. Such measurement is hindered by the inability to separate one social service activity from another, to account for the intervening variables, and to measure stress or satisfaction over a period of time. Again, we have to identify a way of obtaining an objective evaluation in order to report back to the general public and to the legislature both achievement and continued gaps in service areas. We must have the courage to address the need for change, to continue, terminate or modify current directions, based on systematic or formal assessments of the effectiveness of what we are now doing.

Sweeping policy changes, such as preplacement services, deinstitutionalization, permanency planning, and changes in the juvenile system are important. However, unless accompanied by evaluation of client outcomes, they may do very little of themselves to improve the effectiveness of service delivery services.

Policy alone does not guarantee that a deinstitutionalized person is indeed being cared for. Just walk around the streets of New Orleans. Just go down here a couple of blocks and you will find many persons who have been placed on the streets through our deinstitutionalize program. The permanent placement plan is not guaranteed to last forever. We state that we are doing permanency planning, but we have no way of knowing right now whether those children are indeed remaining in their homes.

We have no way of knowing if our preventive programs in fact do prevent entry into our systems.

Finally, I would like to comment on the Juvenile Justice and Delinquency Prevention Act. Louisiana has participated in the act since 1975. The formula grant funding to Louisiana has allowed the State to develop new approaches in juvenile systems and delinquency prevention.

Our own community facilities have secured funds for program improvements. I wholeheartedly support reauthorization of the Juvenile Justice and Delinquency Prevention Act and strengthening of the formula grant program to the States. There are many, many other people in this audience that ask you to help us in this area.

Thank you.

Mrs. BOGGS. Thank you so much, Sister. Ms. Ellzey, would you proceed, please?

[Prepared statement of Sister Barczykowski follows:]

PREPARED STATEMENT OF SISTER ANTHONY BARCZKOWSKI, D.C., EXECUTIVE DIRECTOR OF ASSOCIATED CATHOLIC CHARITIES IN NEW ORLEANS, LA

I am Sister Anthony Barczykowski, D.C., Executive Director of Associated Catholic Charities in New Orleans, Louisiana. On an annual basis, our agency provides services to 36,000 persons through 45 programs. I have been actively involved in services to children and youth in Louisiana since 1972. Prior to that time I was involved in service delivery programs in Alabama and California.

Concern for the care and well-being of children, particularly dependent, neglected, abused, exploited and delinquent children, underlies this testimony. The complexity and/or philosophy of federal and state legislation is recognized. Budget restraints are acknowledged.

Trends in services in Louisiana over the past twelve years have followed, to some extent, national trends and federal laws. Examples include: PL 94-142 which established legal mandates, regulations and funding for educational services to handicapped students; the establishment of community mental health services in the 1970's as a network for reaching clients in their own community; and PL 96-272, the Adoptions and Permanency Planning Act of 1976, which established legal mandates, regulations, funding and funding penalties related to foster care, intended to insure timely and effective planning for children.

The work of entities such as the National Advisory Committee on Criminal Justice Standards and Goals, the National Committee on Child Abuse and Neglect, and the DHHS Office of Adolescence and Family Life consistently prod us to develop more effective service delivery systems. Other national trends must be noted briefly. Reductions in discrimination to the physically handicapped have occurred as laws and regulations; service providers and industry have responded. National concern over increases in teenage unwed mothers and the relationship of this epidemic to child abuse and children with significant handicapping conditions has increased.

Therapeutic technologies focus much more on the entire family, rather than on individual clients, with promising results.

The impact of federal court decisions on service delivery systems has been a growing national phenomenon which has received mixed reviews by researchers, professionals, and the general public. In Louisiana the Gary W. decision in 1974 had led to deinstitutionalization and other changes in the quality of services for the mentally retarded.

In addressing problem areas and needed changes relating to service delivery systems in Louisiana there is no intent to diminish the significant contributions of many caring and concerned persons who have frequently labored diligently and laboriously on behalf of our children. The history of services in our State reflect a steady, if gradual, awareness of the need for refinement of services, programs and organizational structure for improved service delivery. However, continued controversy over problems and how to resolve them, and strongly held biases and attitudes often hinder progress.

Integration of services to children and families is often poor. Problems of integration occur across departments, across offices, within the Department of Health and Human Resources and across service entities at regional and local levels. Additional problems related to integration and coordination of responsibilities with the Juvenile Justice System and with the Department of Education exist. The delinquent child is part of a troubled family. There is a substantial link among children who are battered, abused, neglected, and delinquent. Louisiana appears to have areas of adequate services and other areas of inadequate quantities of services in the continuum of care for families and children.

State plans have been developed: Title XX, Preplacement Prevention Programs, Office of Mental Retardation. Full service includes assessment, emergency response, on-going treatment programs, and good case management. However, poor implementation of these plans remains a critical issue. Unclear lines of authority and responsibility, high caseloads, limited training, poor worker supervision, poor compliance with policies, and lack of access to support services hinder appropriate decision making. The problem is further complicated by the inadequacy of existent services for the emotionally disturbed, violent, aggressive, sexually abused or mentally retarded children who are adjudicated and by the lack of funds to develop needed services. All of this is compounded in Louisiana by a serious lack of reliable statistical data. There is no adequate case management or client tracking mechanism in place. A recent committee report confirms again that once a child enters the system there is no way of tracking what happens to that child.

Regional planning allowing for rural and urban differences is imperative; yet it cannot be implemented without mechanisms being established for gathering and reporting reliable information and statistics. Automated methods for processing data must be implemented to generate consistent inventories of service, statistical counts, and characteristics/problems of families. Data can be used in identifying and resolving problems; must be readable and understandable. Design errors and system processing restrictions must be eliminated and ways found to validate output reports. The burden of obtaining and analyzing input and outcomes cannot be placed entirely on those professionals responsible for providing direct service. Accurate data would allow for the identification of system weaknesses and program gaps, so that change can take place, and appropriate action initiated.

Turning around systems is a challenge we must all be ready to face. Both public and private providers must be willing to change, to take risks. The public and private sector must enter into a new and deeper level of coordination and cooperation. To turn our system around we must address the issue of preventive services and early intervention while at the same time recognizing that some children must be removed from dangerous home situations. Pre-placement services might include: Parenting Skills Training, Protective Services Counseling, Financial and Housing Assistance, Medical Services, Legal Services, Respite Care, and assistance in working with school authorities. We might even offer our educators additional mental health services within the school system. If these services are not available then the risk of inappropriate placement of children increases.

Limited dollars are spent on prevention programs. In Louisiana there has been a freeze on voluntary placements of children needing residential care for over a year. There is no assistance for families who seek to help themselves. A limited survey performed by the Children's Bureau indicates that over 85 percent of children placed voluntarily are returned home before 6 months while 48 percent of those under court order are returned within that period. The remainder, averaging about one-third of these children, are prime candidates for long term care.

Plans should be developed to raise awareness of the problems of children and youth. We must inform the general public about the issues involved. We must increase public awareness of need, children's rights, and how together we might plan more effectively for the future. We must advocate for sound policies, adequate resources, and trained personnel. We must monitor services, program and fiscal management. Severe budget constraints can only help reinforce the need for evaluation of services based on research and reliable data. As already indicated, here in Louisiana, we do not have a way of assessing or evaluating what we are doing. I submit we are not the only State in this predicament. Measurements of effectiveness linking input to impact upon clients is absolutely necessary. Such measurement is hindered by the inability to separate one social service activity from another, to account for intervening variables and to measure stress or satisfaction over a period of time. We must identify a way of obtaining an objective evaluation in order to report back to the general public and to the legislature achievements and continued gaps in service areas. We must have the courage to address the need for change, to continue, terminate or modify current directions based on systematic or formal assessments of the effectiveness of what we are now doing.

Sweeping policy changes, such as pre-placement services, deinstitutionalization, permanency planning, and changes in the Juvenile System are important. However, unless accompanied by evaluation of client outcomes they may do very little, of themselves, to improve the effectiveness of service delivery systems. Policy alone does not guarantee that a deinstitutionalized person is indeed being cared for, that a permanent placement plan is indeed permanent and that preventive programs, in fact, do prevent entry into the system.

Finally, I would like to comment on the Juvenile Justice and Delinquency Prevention Act. Louisiana has participated in the Act since 1975. The formula grant funding to Louisiana has allowed the State to develop new approaches in Juvenile Justice and Delinquency Prevention. Our own community facilities have secured funds for program improvements. I wholeheartedly support reauthorization of the Juvenile Justice and Delinquency Prevention Act and strengthening of the formula grant program to the states.

STATEMENT OF SALLY ELLZEY, EXECUTIVE DIRECTOR, YOUTH SERVICE BUREAU, LIVINGSTON PARISH, LA

Ms. ELLZEY. Thank you. I am Sally Ellzey and I am a social worker as well as the executive director of the Livingston Youth Service Bureau. And I guess I am the representative from the rural parish. We are outside of Baton Rouge, about 10 miles, and provide services in a very rural parish.

The Livingston Youth Service Bureau has identified three problem areas facing youth today. I have heard many of the other speakers express this. These include problems related to divorce, problems related to child abuse and neglect, and problems of children with certain educational handicaps, such as learning disabilities and underachievement.

In 1983, these were the three primary reasons a child was referred to the youth service bureau. To provide effective intervention for families experiencing these problems, the youth service bureau has determined that it is imperative to involve the entire family in counseling and to begin treatment as soon as the child or family begins to experience problems.

Originally the bureau focused its attention on youth between the ages of 10 and 17. Our experience indicated, however, that many times the problems had become dysfunctional within the family because the onset of the problem had occurred at a much earlier age.

We then revised our age range downward to include children under the age of 10. With an earlier diagnosis and treatment we have found that the prognosis is more optimistic, both for the child and the family unit.

One of the unique features of the Bureau—which has helped with early problem identification—is that in addition to counseling services in the office, we also provide outreach services to all the areas of the parish.

Prior to the establishment of the bureau in 1980, services were very limited in Livingston Parish. Some services were provided by the State Department of Health and Human Resources and other services were available in surrounding Parishes with larger metropolitan areas.

Transportation was often a problem for many of these people in rural parishes. We now provide social workers to the smaller cities on a weekly basis. In all of these areas we have a good relationship with the school system and receive referrals from the school, to work with the student and the family, if possible, in providing a treatment plan.

Another advantage to providing outreach in the schools is that children are able to talk with social workers when they have problems that they may not be willing to discuss with parents.

In addition, many times the child sees a problem which the family may be unwilling or unmotivated to deal with. Usually as more children in the outreach areas are helped by the services, we are able to receive more self-referrals as the children tell their friends and the friends seek help when they feel like there is a problem.

Another important facet of the bureau's program which has increased public awareness is an educational and information program. We provide these programs for parent and youth groups who would like information on topics related to child and family problems.

We have developed a library of films through various grants which allow us easy access to up-to-date programming. Many times this exposure also allows for people to come up after the program and indicate a need for services that they may have otherwise been reluctant to seek.

Referrals to our program are received from the schools, law enforcement, probation, protective services, and self-referrals. In 1983, the largest number came from schools, protective services, and self-referrals.

The primary reasons were family problems, abuse and neglect, and school problems. Of those referred in 1983, 73 percent of these children lived with someone other than both natural parents—which I think was a reflection of your statistic.

This statistic seems to be an indication of the state of the family in our society today. With one in two marriages ending in divorce, more and more children are having difficulty coping in problems related to divorce. In many families where divorce has occurred, children are totally rejected by the absent parent, causing them to feel that they have done something wrong and are unlovable.

Unless these feelings are resolved, the children go through life setting themselves up for rejection and begin committing delinquent acts, running away, or often become promiscuous to gain the attention of an absent parent.

The child may also feel that he is in some way responsible for the divorce and label himself as a bad child. The earlier the child is able to understand that he is not responsible for the divorce or parent's absence, the better adjustment to school and home.

In working with the problem, the child also begins to feel better about himself and can begin to feel more worthwhile and lovable.

Another unique set of problems occur when the parent with whom the child resides decides to remarry. In 1983, 23 percent of the children seen at the youth service bureau lived with a stepparent and were having difficulty in dealing with this. Often the child resented the stepparent, as this was competition for the attention of the natural parent. So the child was attempting to sabotage the marriage.

Additionally, the adults and children had not worked out their roles within the new family system. The role of parent, friend, and disciplinarian needed to be clarified and some household rules established. If this is not done, the marriage may fail or the child may find a way to leave the home.

In most cases these issues can be resolved, but it is important to begin counseling early, preferably before the marriage. Counseling can prevent another failed marriage for the parent and another chaotic family unit for the child.

Child abuse and neglect is another large problem area for which the Bureau provides services. This is a cyclical pattern which can cause damage to children and families through many generations, unless early treatment is provided. Although abusing parents may have good intentions, they often resort to the same damaging ways of relating to their children as their own parents had.

Education and support to learn alternative methods of discipline can help these parents to overcome these problems. Again, early diagnosis and treatment is imperative as we find those children with a long history of problems are not motivated to change and the children often end up in foster care or long-term alternative placements.

In many cases now in Livingston Parish, on initial referral, the parents are being asked to participate in counseling as an alternative to court action. With the child at home, we are able to help the family function as a unit and correct some of the dysfunctional patterns.

School is another source of problems for many of the children and families that are seen, especially those children with some type of learning disability. These children have problems with organization, motor skills, eye-hand coordination, and social skills, as well as learning difficulties.

They are often teased by their peers and receive criticism from teachers because they have a hard time in conforming to classroom guidelines. Usually by the time they are referred to the bureau, their family is very frustrated and they are tired of continuous complaints from the school. These children often do not meet the criteria for learning disabilities and cannot receive resource help, yet everyone knows they have a problem and need some type of help.

Initially when the child is referred to our agency, we try to do testing specifically for learning disabled children. With the diagnosis, we are able to help the school, family, and child gain a better understanding of the child's problem and develop some ways to help the child function more appropriately at school and at home.

We often work out a daily contract system between the school and home, allowing rewards for good behavior and completion of work. This has been very successful, as it keeps the parent and the school informed and allows the child a chance for a new start each day. The child experiences daily successes, which enhance his self-esteem and increase motivation.

In addition, we counsel with the child to help him understand the nature of his problem and work through some of his feelings of failure and rejection by peers. Once the child and family are able to get some help and support, everyone begins to feel better and the complaints from school begin to diminish. The child begins to succeed and the parents and child begin to feel some hope again.

A contract system has also been helpful in working with children who are underachievers. Underachievers are those who feel they cannot measure up to a parent's expectations or are afraid they will not do as well in school as an older sibling. Consequently, rather than trying and failing, they do not try at all.

A contract system allows for goals which are mutually acceptable to child and parent. It provides for daily successes and rewards for achievement. As the child begins to achieve these goals, he begins to feel better about himself and gains confidence in his ability. This strengthens his relationship with his family and the parents are able to resolve many of their feelings of frustration about their child.

As the Bureau has grown over the past 4 years, we have realized the importance of making services readily available to area residents and providing early intervention for all types of problems.

We have been able to offer this as a free service to the community, as we have had a good basis for funding. Originally we were one of those JJDP grants and this was a 3-year decreasing grant. As the funds decreased, we relied more and more on local support.

We are now funded through United Way, the parish police jury, and the cities in Livingston Parish. This basis of support is an indication to the agency that other area leaders feel the services of the bureau are extremely important in Livingston Parish.

Our services can help to prevent the breakdown of the family unit. We can help to prevent abuse and neglect and help those children who may become totally frustrated with the school system. But we must be aware of the problem at the onset and provide early diagnosis and treatment.

Mrs. **Boggs**. Thank you so much for an excellent testimony, Ms. Ellzey.

Ms. **Ellzey**. Thank you.

[Prepared statement of Sally Ellzey follows:]

PREPARED STATEMENT OF SALLY ELLZEY, EXECUTIVE DIRECTOR, LIVINGSTON YOUTH SERVICE BUREAU, INC.

The Livingston Youth Service Bureau, Inc., has defined three problem areas facing youth and families in Livingston Parish. These include problems related to divorce and the breakdown of the family unit, problems related to child abuse/neglect, and problems of children with certain educational handicaps such as learning disabilities and underachievement. In 1983, these were the three primary reasons a child was referred to the Bureau.

To provide effective intervention for families and children experiencing these problems, the Youth Service Bureau has determined that it is imperative to involve the entire family in counseling and to begin treatment as soon as the child or family begins to experience problems. Originally, the Bureau focused its attention on youth between the age of 10 and 17. Our experience indicated, however, that even at this age many dysfunctional patterns had become ingrained as often the onset of the problem had occurred at a younger age. For this reason, we revised our age range downward to include children under the age of 10. With an earlier diagnosis and treatment of the entire family, the prognosis is more optimistic for both the child and family unit.

One of the unique features of the Bureau—which has helped with early problem identification—is that in addition to counseling services in the office, we also provide outreach services to *all* areas of Livingston Parish. Prior to the establishment of the Bureau in 1980, there were very limited services to youth and families. Some services were provided by the State Department of Health and Human Resources. All other services were available only in neighboring parishes with large metropolitan areas. Transportation was often a problem for those having to go long distances for services. We now provide social workers on a weekly basis to most of the smaller cities. In all of these areas, we have a good relationship with the school system which refers a student as soon as a problem in indicated. We then work with the school, the student and the family, if possible, to provide a treatment plan.

Another advantage to providing outreach in the schools is that children are able to talk with social workers about problems they may not be willing to discuss with their parents. In addition, many times the child may see a problem which the family is unwilling or unmotivated to deal with. Usually as more children in the outreach areas are helped by the services of the Bureau, they are able to tell their friends and there is an increase in self referrals. I have worked in one of the outreach areas for the past four years and now receive most of my referrals through friends.

Another important facet of the Bureau's program which has helped to increase self referrals and increase public awareness is an educational and information program. We provide these programs for parent and youth groups who would like information on topics related to child and family problems. We have developed a library of films through various grants which allow us easy access to up-to-date programming. The type of exposure provides an awareness of our program and often provides an opportunity for someone to ask for help who may otherwise be reluctant to seek out our services.

Referrals to our program are received from the schools, law enforcement, probation, protective services and self referrals. In 1983, the largest number of referrals were from schools (39%), protective services (27%) and parent or self referrals (12%). The primary reasons for referrals included all types of family problems (51%), abuse/neglect (16%) and school problems (12%). Of those referred in 1983 for any type of problem, 73% of the children lived with someone other than both natural parents. This statistic seems to be a reflection of the breakdown of the family unit in our society today. With one in every two marriages ending in divorce, more and more children are having difficulty coping with the many problems related to divorce.

In many families where divorce has occurred, children are being totally rejected by the parent who has left the home, causing them to feel they have done something wrong and are unloveable. Unless these feelings are resolved, children often go through life setting themselves up for rejection and exhibiting a great deal of acting out behavior at school and at home. They may also begin committing delinquent acts, running away or becoming promiscuous to gain the attention of an absent parent. The child may also feel he is in some way responsible for the divorce and label himself as a "bad" child. The earlier the child is able to understand he is not responsible for the divorce or a parent's absence, the better his adjustment to school and home will be. In working through the problem, the child also begins to feel better about himself and can begin to feel more worthwhile and loveable.

Another unique set of problems may occur when a parent with whom the child resides decides to remarry. In 1983, 23% of the children seen lived with a stepparent and were having difficulties in coping with this. Often the child resents the stepparent, as there is competition for the attention of the natural parent, so the child attempts to sabotage the marriage. Additionally, the adults and children often have not worked out their roles in the new family system. The role as parent, friend and disciplinarian needs to be clarified and some basic household rules established. If this is not done, the marriage may fail or the child may find some way to leave the home. In most cases, these issues can be resolved but it is important to begin counseling early, preferably before the marriage. Counseling can prevent another failed marriage for a parent and another chaotic family unit for the child.

Child abuse and neglect is another large problem area for which the Bureau provides services. This is a cyclical pattern which can cause damage to children and families through many generations unless early treatment is provided. Although abusing parents may have good intentions, they often resort to the same damaging ways of relating to their children as their own parents had. Education and support to learn alternative methods of discipline can help these parents to overcome these problems. Again, early diagnosis and treatment is imperative as we often find those with a long history of problems are not as motivated to change, and their children often end up in foster care or long-term alternative placements. In many cases now in Livingston Parish, on initial referral the parents are being asked to participate in counseling as an alternative to court action. With the child at home, we are able to help the family function as a unit and correct some of the dysfunctional patterns.

School is another source of problems for many children and families, especially those children with some type of learning disability. These children have problems with organization, motor skills, eye-hand coordination and social skills, as well as learning difficulties. They are often teased by their peers and receive a lot of criticism from teachers because they have a hard time conforming to classroom guidelines. Usually by the time these children are referred to the Bureau, their family is very frustrated with them and tired of continuous complaints from the school. These children often do not meet the criteria to receive resource help in the school system, yet everyone is aware they have some type of problem and need help.

Initially we try to refer these families to an agency which does testing specifically for learning disabled children. With a diagnosis, we are able to help the school, family and child gain a better understanding of the child's problem and develop some ways to help the child function more appropriately at school and at home. We often work out a daily contract system between home and school, allowing rewards for good behavior and completion of work. This has been very successful as it keeps the parent and school informed and allows the child a chance for a new start each day. The child experiences daily successes which enhance his self esteem and increase motivation. In addition, we counsel with the child to help him understand the nature of his problem and work through some of his feelings of failure and rejection by peers. Once the child and family are able to get some help and support, everyone begins to feel better and the complaints from school begin to diminish. The child begins to succeed and the parents and child begin to feel some hope again.

A contract system has also been helpful in working with children who are underachievers. Underachievers feel they cannot measure up to a parent's standards or are afraid they will not do as well in school as an older sibling. Consequently, rather than trying and failing, they do not try at all. A contract system allows for goals which are mutually acceptable to child and parent. It also provides for daily successes and rewards for achievement. As the child begins to achieve these goals, he begins to feel better about himself and gains confidence in his abilities. This strengthens his relationship with his family, and the parents are able to resolve many of their feelings of frustration about their child.

As the Bureau has grown over the past four years, we have realized the importance of making services readily available to area residents and providing early intervention for all types of problems. We have been able to offer this as a free service to the community as we have a good basis for funding. Originally, we were funded through a JJDP grant. As this funding decreased, we relied more and more on local support. We are now funded through United Way, the parish police jury and the cities of Livingston Parish. This basis of support is also an indication to the agency that other area leaders feel the services of the Bureau are extremely important to children and families in Livingston Parish. Our services can help to prevent the breakdown of the family unit, abuse and neglect, and children who become totally frustrated with the school system, if we are aware of the problem at the onset and can provide early diagnosis and treatment.

STATISTICS FOR 1983

TOTAL NUMBER OF YOUTH SEEN IN 1983 176

REFERRAL OF YOUTH TO YOUTH SERVICE BUREAU BY:

School	69	39%
Protective Services	47	27%
Parent	11	6%
Probation	6	3%
Self	11	6%
Judge	5	3%
Friend	10	6%
Law Enforcement	10	6%
Doctor	5	3%
Phone Book	2	1%

CITY OF RESIDENCE:

Denham Springs	78	44%
Walker	36	20%
Albany	18	10%
Live Oak	23	13%
Springfield	5	3%
Livingston	6	3%
Holden	3	2%
Port Vincent	4	2%

AGES

9 and under	25	14%
10 - 12	47	27%
13 and older	104	59%

REASON FOR REFERRAL:

Family Problems	89	51%
Abuse/Neglect	13	7%
Runaway	10	6%
Incest	15	9%
School Problems	21	12%
Drugs & Alcohol	10	6%
Suicide	5	2%
Depression	5	2%
Delinquent Acts	8	6%

YOUTH RESIDING WITH:

Natural Parents	48	27%
Mother Only	38	22%
Father Only	10	6%
Mother & Stepfather	34	19%
Father & Stepmother	7	4%
Relative	15	9%
Foster Care	24	14%
Total residing with someone other than both parents:	128	73%

SEX

Male	75	43%
Female	101	57%

STATISTICS FOR 1982

TOTAL NUMBER OF YOUTH SEEN IN 1982 145

REFERRAL OF YOUTH TO YOUTH SERVICE BUREAU BY:

School	49	34%
Protective Services	35	24%
Parent	17	12%
Probation	15	10%
Self	9	6%
Judge	8	6%
Friend	8	6%
Law Enforcement	2	1%
Doctor	1	.05%
Phone Book	1	.05%

CITY OF RESIDENCE:

Denham Springs	64	44%
Walker	28	19%
Albany	21	14%
Live Oak	18	12%
Springfield	5	3%
Livingston	3	2%
Holden	1	1%
Port Vincent	2	1%
French Settlement	1	1%
Other	2	1%

AGES

9 and under	9	6%
10 - 12	30	21%
13 and older	106	73%

REASON FOR REFERRAL:

Family Problems	60	41%
Delinquent Acts	16	11%
Status Offense	16	11%
Abuse/Neglect	15	10%
School Problems	10	7%
Incest	10	7%
Drugs & Alcohol	10	7%
Pregnancy	3	2%
Depression	5	3%

YOUTH RESIDING WITH:

Natural Parents	22	28%
Mother Only	21	27%
Father Only	1	1%
Mother & Stepfather	14	18%
Father & Stepmother	9	12%
Relative	3	4%
Foster Care	8	10%
Total residing with someone other than both parents:	56	72%

SEX

Male	64	44%
Female	81	56%

TOTAL YOUTH SEEN 215

STATISTICS
APRIL 1980-DECEMBER 1981

REFERRAL OF YOUTH TO YOUTH SERVICE BUREAU BY:

Police	12	6%
Probation	21	10%
School	70	33%
Friend	17	8%
Family Security	37	16%
Judge	14	6%
Other	6	3%
Self	11	4%
Parent	32	14%
Clergy	1	.05%
Phone	2	.05%

CITY OF RESIDENCE:

Denham Springs	96	45%
Walker	45	21%
Live Oak	35	16%
Albany	13	6%
Holden	3	1%
Livingston	12	6%
Springfield	6	3%
French Settlement	3	1%
Maurepas	2	1%

REASON FOR REFERRAL :

Status Offense	54	25%
Delinquent Acts	27	13%
Drugs	25	12%
Family Problems	83	37%
Abuse/Neglect	21	10%
Pregnancy	4	2%
Suicide	6	2%

AGES

9 and under	11	6%
10 - 12	44	20%
13 and older	160	74%

SEX

Male	100	47%
Female	115	53%

Mrs. **Boggs**. Mr. Miller?

Chairman **Miller**. Thank you. What is the demand that Catholic Charities is experiencing now, as opposed to a year ago for its various services? Is it about the same or declining?

Sister **Barczykowski**. No. The need for emergency services relating primarily to inability to pay rent, inability to pay utilities, and inability to get medicine has increased. These three categories in turn, relate to women and their children being on the street. I can give you examples. When the cold weather hit New Orleans—and it may not have been as cold as in other parts of the country—but pipes were breaking and landlords in low-income housing were saying, we are not going to repair those pipes. When husbands lose jobs and they walk out, then women and children needing assistance come to us for basic needs. Men needing employment also come to us.

The number of people coming to us has quadrupled in 2 years.

Chairman **Miller**. Over 2 years. I guess what I am getting at, in terms of last year, as opposed to this year, has it leveled off or has it stayed about the same?

Sister **Barczykowski**. Increased.

Chairman **Miller**. You have had an increase and the caseload has stayed constant. So you don't see it diminishing?

Sister **Barczykowski**. It has also increased because the World's Fair is here and because many people came here looking for employment and they didn't get it so they end up at our office. It is really hard for us, I think, to separate out the impact of the World's Fair on the problems. We have a lot of transients.

Chairman **Miller**. But you don't see any general relationship at this moment between what has been a pickup in the economy across the country, and a reduction in your caseloads?

Sister **Barczykowski**. No, because the people we deal with haven't benefited from that pickup yet.

Chairman **Miller**. What about, on that point, the people that you have been dealing with. What is their situation now as opposed to a year ago? Are they desperate, do they have less resources, less options available to them now than they did a year ago? Are there more families, as opposed to individuals?

Sister **Barczykowski**. I have to preface that by saying that we were not engaged in emergency assistance, direct emergency assistance up until the last 2 years. We also relocated our offices so we are down here just a couple of blocks up from skid row. So all of those factors enter into it.

The number of people showing up at our office is continuing to increase, almost on a monthly basis. Now, whether that is because there are more needs in the city, more people, or just the fact that we are down in this location I can't say definitely. But other agencies are experiencing it too.

Chairman **Miller**. What about in Livingston Parish?

Ms. **Ellzey**. We have had a definite increase. We have had a 30-percent increase already this year in services requested.

Now, part of the problem is that Livingston Parish is one of the fastest growing parishes in the State, so definitely—our staff has increased over the past 4 years from a director and a secretary to four, two parttime social workers and two fulltime. So we have definitely an increase for this year.

Chairman MILLER. It is growing for what reason?

Ms. ELLZEY. Well, one of them is because of the increasing size in Livingston Parish. I also think the availability of services and that more and more people are becoming aware of the services that we provide.

Chairman MILLER. And obviously using them.

Ms. ELLZEY. Right.

Chairman MILLER. You mentioned that Catholic charities is serving roughly 36,000 children.

Sister BARCZYKOWSKI. Not children, clients. We have about 450 children in care on any given day.

Chairman MILLER. It is clients.

Sister BARCZYKOWSKI. On an annual basis in the State, there are about 50,000 cases statewide in family, children, juvenile, district, and city courts. So we are talking about a lot of children out there needing services, but we don't deal with them all.

Chairman MILLER. You talked about the differences in the backgrounds that young people would bring to your program, suggesting that you can work your way through the most difficult young people.

I wonder if you would extrapolate from that that by working with those people, you are also preventing them from having an adverse impact on others. Is that what you were saying to some extent?

Mr. EARNEST. Yes. One thing that is interesting is that 55 percent of the kids we work with have younger siblings at home. And so by concentrating—first, we wanted to decrease institutionalization. The only way we could do that was to take those kids, the kids that were the furthest along on the system.

But when we work with them, we don't just work with them, we work with the whole family so we are also working with the younger siblings. These are the ones that—we try to break the cycle. These kids look up to their older brother, older sister, and get caught up in playing the same games they are playing. So if we can deal with this kid here and keep him from going into the institution if he commits another offense, he is gone. We can't ignore and the court is not going to ignore and the public is not going to ignore the burglary this kid continues to commit.

But most of the time that doesn't happen. In fact, 9 percent of the kids have been convicted of new felonies, 9 percent of the 212 that have gone through the program. What has happened is that once we have worked through those, by working through the total family and the younger siblings in the family, and then opening it up to kids, instead of the schools expelling them, referring them to the center, and the court—these kids, since they are a behavior problem at school or whatever can legitimately come under the court, under the status or CHINS situation, the kid will go before the court, but the case will be handled informally.

And they will be referred into the program. If the youngster, for some reason or other, doesn't attend the program or whatever, the court will call him back in. And at some point in time, it may go to a formal adjudication as a CHIN, so that they can put him under a probation service. But this is where you have to have the court and the program and the other agencies involved, working together and in planning with the parents and with the youngster.

I think it can be prevented. I think crime can be prevented. I certainly think juvenile crime can be—I won't go so far as to say we can prevent white collar crime because I don't think we are going to touch it at all. Our kids don't commit white collar crimes.

But it can prevent and it is not just our program that is doing it, but there are several things going on now, but the one characteristic is they are all in the community and they are dealing with the problem in the community.

I am not sure whether I have answered your question or not, but that is my attempt at it.

Chairman MILLER. Thank you.

Mrs. BOGGS. Mr. Anthony?

Mr. ANTHONY. I have no questions. However, I would like to thank the panel for the opportunity to visit personally with Mr. Earnest last night. I even heard his fishing story. For those of you who have not heard the fishing story, when we take a break, ask him to tell it to you. It is worth hearing.

I want to thank you for helping us establish a record on what the best alternatives are to incarceration. I think you have provided us with some valuable suggestions.

Mrs. BOGGS. I too wish to thank you. Just a couple of questions that I would like to ask. Mr. Earnest, do you think the city concept can be developed in every county across Alabama?

Mr. EARNEST. Yes.

Mrs. BOGGS. Are there any barriers to doing it?

Mr. EARNEST. No. Oh, yes, there are a lot of barriers.

Chairman. MILLER. We liked your first answer better.

Mr. EARNEST. I liked my first answer, but the second one is the true one. The biggest problem we encounter is with schools. When you have a 16 year old who wants to stay in school and doesn't want to drop out, but that 16 year old is in the eighth grade, functioning at a fifth grade level. And you remediate that youngster to where they are functioning at the grade level they should be.

By that I mean the 10th or 11th grade. When we try to move that youngster back into school, then we have problems with credits because they haven't spent 180 hours learning a skill. I have yet to figure out where 180 hours came in. That is how long it takes you to learn how to do math or to do English.

Our rate of academic gain is 4 months per month. So the kids don't spend 180 hours on it, but they have the skill. But they can't get the credit for the skill because they didn't spend the time.

We run into problems too with the 16 year old that is not appropriate for that youngster to go back to public school. He wants to work toward a GED, but our GED restrictions—if you are 16 years old, you can't take a GED at all. If you are 17 years old, you have to have either been out of school for a year, married, or totally responsible for the support of another person.

We ended up hauling nine kids to Florida to take the GED. Seven of the nine passed it, too. But that was a way we could get one of them into junior college. The junior college wouldn't give her conditional enrollment until she could take her GED and the

State GED Board wouldn't let her take the GED. So we hauled—the judge held a custody hearing and gave us custody of the kids for 1 day. And we hauled them to Florida and took the test and went back and had another custody hearing and placed the custody back with their parents.

Mrs. **Boggs**. You sort of sound like Sister Anthony here.

Mr. **Earnest**. There are barriers, but what I have picked up—and I guess this year I have made something like 30 speeches already at civic clubs and for groups like this. What I am picking up out there from business people, from church groups, from university groups, civic clubs, is they want to see something different.

They are not at all pleased with this. I keep hearing that this is what the public is demanding, but when I get out and make speeches to these clubs, that is not what I am hearing.

I am hearing them say, you know, we have got to do something. We have got to change some things. But I know too that—what is it: the loudest wheel gets the grease or something? And I think sometimes that policy is influenced by a very small group of very noisy people and the majority of the people are not going to say anything and that is unfortunate.

Mrs. **Boggs**. I think what we have been hearing from all of you is that we need better coordination. We need reorganization. We need to recognize the regional differences between rural and urban settings. We need earlier intervention. We need therefore earlier counseling. We need to involve the whole family and we need to involve all our resources, educational, welfare, health, all the services that could possibly be available to a family in a family setting, to try to keep the family together whenever that is possible.

I also think we have been hearing from all of you that children need advocates. And I can think of no better advocates than the three of you. I thank you very much for being with us.

The meeting is adjourned and we will reconvene at 2:30.

[Whereupon, at 1:09 p.m., the Select Committee recessed, to reconvene at 2:30 p.m., the same day.]

Ms. **Boggs**. The hearing will please come to order. We are very pleased this afternoon to have Dr. James Austin, who is the Director of Research of the National Council on Crime and Delinquency, from San Francisco, CA.; and Dorothy Crawford, the Project Director of Research and Development Training Institutes, Inc., of Phoenix, AZ.

We are very honored and flattered that you would come all the way from your homes to be here with us today. And we hope you would come forward and proceed as you wish.

Dr. Austin, we are very pleased to have you and look forward to your testimony.

STATEMENT OF JAMES AUSTIN, PH.D., DIRECTOR OF RESEARCH, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, SAN FRANCISCO, CA

Mr. **Austin**. My name is James Austin. I am with the National Council on Crime and Delinquency in San Francisco. I have been asked to provide some information, basically some research information, about the much-discussed link between child abuse and delinquency.

I am going to go through five or six major areas of questions that are usually raised and try to pinpoint this issue of how child abuse affects delinquency in this country.

Each year at least 1 million and perhaps as many as 5 million children become the victims of child abuse. Furthermore, many millions of adults who experienced the trauma of physical, sexual, and emotional abuse as children, continue to be affected throughout their adult lives.

The legacy of child abuse surfaces in their marital, family, educational, and work problems. Most tragically, in some instances, adults with histories of child abuse repeat the cycle, by inflicting the same harm on their own children.

In the following pages, I am going to review current research to clarify this relationship between child abuse and delinquency.

Many people believe that there is such a link, and that if we can curb child abuse, we will see reductions in the amount of delinquency that goes on in our country. If this can happen, then we can also perhaps reduce the public's cost of arrest, prosecution, juvenile court, and adjudication.

Now, as an overview, I want to first address the question of how many children are abused each year. Estimates on the extent of child abuse vary greatly, depending upon the definitions employed and the methods used to make national estimates.

The most current data are provided by the National Center on Child Abuse and Neglect and the American Humane Association. The National Center estimates that 3.4 children per 1,000 youth population—which is children between the age of 0 and 18—are known officially to suffer physical harm each year.

If we include sexual or emotional abuse, the figure rises to 5.7 children per 1,000. And most importantly, among low income families, the rate of abuse is four times higher than the national efforts or 27 per 1,000.

The American Humane Association has been collecting official reports of child abuse from State and local governments since 1976. And these are in Table I of the handout I gave to you.

These data show that in 1982, there are approximately 1 million official reports of child abuse. Neglect is the most frequent form of maltreatment. About 62 percent of all official reports are for neglect.

Physical abuse follows with 27 percent. Emotional abuse and sexual abuse is the lowest type of child abuse that is being reported officially to the American Humane Association.

A very disturbing finding is that the very young, or those ages 0 to 5, are most vulnerable to physical abuse. The American Humane Association also reports that they have seen an 120 percent increase in the number of reports reported to them since 1976, although they are not clear as to whether or not this is a function of better reporting systems or if there is actually an increase in the rate of child abuse.

One of the things we do not know for sure is whether or not the rate has been increasing. We do know we are having more reports, but we don't know for sure if the family situation is getting worse and that the level of child abuse is getting worse.

It is one of those things we need to put some research into as soon as possible.

I should also add that these are official statistics and that when you look at estimates that are based on self-report data, the estimates go as high as 5 million incidents per year.

We also have some data on the characteristics of the abused children and their family. Forty-three percent of the families—those families where we have an official report of abuse—were receiving some form of public assistance, compared to an 11-percent national estimate. So it is four times higher than the national average of families receiving public assistance.

Forty-three percent of these families, were headed by single women, compared to 14 percent, nationally. Many of these families, 44 percent, were experiencing problems related to economic stress, poor health, 40 percent; or family conflict, 73 percent.

Forty percent of these households were unemployed, compared to the 13 percent national average. The average age of an abused child is 7, although the range goes all the way up to 18.

Finally, and I think most significantly, 95 percent of the perpetrators of child abuse were the parents themselves. It is the parents that commit these crimes against their own children. Four percent were other relatives, 2 percent were not related to the child. So it is not a stranger imposing this abuse, it is parents doing it. And that has very strong implications for what kind of prevention we are going to try and implement because that should be targeted toward the parents, as well as for children.

The second question I am going to try to answer: Do delinquents have high rates of child abuse?

The overwhelming evidence from a number of studies show that adjudicated delinquents, and in particular, institutionalized delinquents, have rates of child abuse far exceeding those of the general youth population.

Two major studies that review all of the relevant literature in the field conclude that delinquents and have significantly higher rates of child abuse, compared to nondelinquent populations. These rates of abuse also tend to be higher than those rates for the low income-families.

So, if you look at delinquent youth, those that are adjudicated delinquents and gone through the court process, they have very high rates of child abuse.

Studies of institutionalized youth report that 26 to 55 percent of the youth incarcerated have an official history of child abuse. These data not only confirm the high rate of child abuse among the deep-end youth of our juvenile justice system, but also provide evidence that abuse is related to serious and repetitive delinquent behavior.

Now, the third question goes one step further: Does this mean that child abuse necessarily leads to delinquency?

This is not the case. Despite the fact that a significant proportion of delinquents have records of abuse, childhood abuse does not necessarily lead to delinquency.

There are two studies that point this out. One was done in New York. Here the researchers took a sample of about 4,465 children who had been reported as abused. They then followed these youth for about 20 years and they found that only about 20 percent of them became adjudicated delinquent.

A second study, a longitudinal cohort study, found that in abused families, only about 10 percent eventually became adjudicated. So the important conclusion to be drawn from these two studies—and they are the only two really major studies that deal with this and they need to be updated and replicated—is that abuse is not a necessary or sufficient cause of delinquency.

In other words, if a child is abused and that is the only thing that happened, it is not likely that he or she is going to become delinquent. Other events will have to enter into the youth's life.

The next question: What other factors contribute to delinquency?

Although child abuse is associated with delinquency, its causal significance must be weighed against other factors: drug abuse, school failure, inadequate family relationships, antisocial values, and most important, association with delinquent peers also contribute to delinquency.

Viewed in this context, child abuse is only one of several factors which contributed to the development of a delinquent career.

There is one study in particular I want to review, being done by Del Elliot in Boulder. He is trying to look at what are all these factors that contribute to delinquent behavior and which ones are most significant.

Elliot's study is a national longitudinal sample of youth. And what he is doing is taking a sample of youth, age 11 to 15, and is reinterviewing them every 2 years. And he is trying to find out how delinquent careers develop, at what rates and what are the factors that predict it.

He is looking at a variety of variables, including drug abuse, school problems, relationships with the family, and peers. And there are several major findings which he has reported thus far.

First, delinquency rates for serious delinquents—now, when he says, serious delinquents, he is talking about youth that self-report—these are self-report surveys—self-report at least four felony crimes per year, the delinquency rates for these people decrease over time. In other words, if you take youth aged 11 to 15 and monitor them up to the ages of 15 to 21, the number of youth in our country who can be classified as serious delinquents, decrease from 8.6 percent to 4.5 percent. So serious delinquency is a factor for a small percentage of kids—they start out at a high level, but gradually decline. And that is true for the Nation as a whole.

Rates of emotional problems for youth also decrease over time. The rate decreases from 10.1 percent down to 4 percent when youth get to be age 15 to 21.

Conversely, rates of drug abuse increase over time. Kids start out abusing alcohol and marijuana in particular at age 11 to 15, 3.4 percent reported to be abusing that drug. By the time they are 15 to 21, it has tripled.

Youth defined as serious delinquents also report high rates of multiple drug use, emotional problems, school problems, and family problems. They are principally male and they have very strong associations with delinquent peer groups.

Of all the factors that relate to delinquency, the youth association with a delinquent peer group is the best predictor of a youth becoming a serious delinquent.

But the model here is a developmental model. Youth start out with problems as a child. Their problems escalate because of school problems, and because of drug abuse and alcohol abuse which also enters into it. But when they get to be the age 14 to 18, it is the delinquent peer group that is driving it. The family has lost control and the school has lost control.

There is another study being conducted by our organization, NCCD, which is shedding some new light on the relationship of child abuse to delinquency. This study is studying the impact of various juvenile court sanctions in Utah. The research collects self-report and official measures of delinquency, as well as alcohol and drug abuse patterns and family relationships and school performance.

And rather than go through these tables, the most important thing I want to mention here is that kids in Utah who are adjudicated delinquents, put on probation, and put in corrections—report a high number of crimes per year.

Youth in the Utah juvenile facilities report that they commit 32 felony assaults per year. Thirty-two, compared to a national average of less than one per year.

Minor assault, 47 per year. They commit 54 felony thefts per year. They damage 70 properties per year. They abuse alcohol at least 110 days per year.

These kids are very active in delinquency and they are in a point in their career where they have just hit the peak of their delinquent activity, compared to national averages.

The next chart looks at their history of child abuse. And again, for the Utah kids, 51 percent of the youth that are incarcerated in Utah, have an official history of child abuse. For those on probation, it is about 18 percent.

So what the picture is showing here is that youth that are adjudicated have multiple problems. They are very active and committing very serious crimes. They are associated with delinquent peers. They are abusing drugs, both alcohol and marijuana. They are selling drugs. It is a multiple problem type of youth and they are very difficult to work with.

By the time they get to the court, you have a very serious problem on your hand.

The final question I am going to address: Does delinquency lead to abuse? In other words can a youth who gets incarcerated, become abused?

And here the research is quite limited. There are only a few studies which document how a youth's delinquent lifestyle could increase the likelihood of abuse. For example, runaways, particularly young women who may become involved in pornography and prostitution, may be abused by pimps or their customers. As part of that lifestyle, then they become abused.

But it is also true that some of these women are running away from homes where they are being abused, so it is hard to say what is really driving their runaway decision.

A more likely situation of where delinquency leads to abuse occurs in a situation where youth are unnecessarily incarcerated in adult facilities, prisons and jails, or in juvenile correctional facilities and police lockups which do not meet accredited standards of institutional care.

In overcrowded and substandard facilities, delinquent children are vulnerable to sexual and physical abuse by older and more sophisticated inmates. And in some instances, institutional staff may be the people that are carrying out the abuse.

I just read in the San Francisco Chronicle, where in the San Francisco Detention Hall, where two staff sexually abused children in the detention facility. And even though it may not happen too often, it does happen and we have to guard against it.

The extent to which abuse occurs in correctional institutions is not known. However, we do know that the number of youth being confined in public secure correctional facilities is growing and our facilities are becoming increasingly overcrowded.

Table IV in the handout shows that the number of youth confined in juvenile facilities on 1 day counts has increased since 1978, from 25,767 to 36,545. This increase has occurred despite the 12-percent decrease in the arrests of juveniles.

We also have a decreasing number of children in our Nation's population, but we have somehow managed to increase the correctional facility population by about 40-some percent.

Chairman MILLER. Why is that?

Mr. AUSTIN. Well, we know mathematically why it is happening. Essentially, the number of referrals to the court and admissions to facilities is decreasing. It has decreased at the same level as arrests have decreased. What has increased is the length of stay. What determines the size of any institutional population is how many kids come in and how long they stay. So detention length of stay has essentially doubled, as has length of stay in juvenile camps and ranches and correctional facilities.

I might add that California, in particular, is really driving this trend. California, for example, represents one-seventh of all the kids incarcerated in public secure facilities in the Nation. And I will send you some information which documents how the length of stay is increasing.

Now, correctional people would tell you: We are increasing the length of stay because they are tougher kids. But there is no clear evidence that has been brought forth to substantiate that claim.

Another hypothesis is that they are simply increasing the length of stay to keep the capacity at a certain level, to keep it constant, to maintain the institutions they have built.

Crime is going down, the number of kids in our Nation's population is decreasing, but we are seeing a dramatic increase in the youth population incarcerated.

In the jails, there are 1,700 children in our county jails on any given day. And that number has remained essentially the same since 1978. There are also 9,000 children under the age of 18 in the prison system now.

And this does not also take into account a rapidly expanding business, which is private care. Kids being committed to adolescent care units, which is a big expanding business, being paid for by third party by insurance carriers. And we are just beginning to get a handle on that trend.

The overall picture is a major increase in the number of kids locked up, despite a decrease in arrest rates.

Chairman MILLER. If I might interrupt, Madam Chairman. So you are talking—in third party care, you are describing what I see advertised on TV——

Mr. AUSTIN. Right.

Chairman MILLER.[continuing]. Where troubled kids or substance-dependent young people can come to—I guess what they actually are are wings or rooms within usually a private hospital. Is that it?

Mr. AUSTIN. Right. They are in hospitals. And it depends on what hospital you go to. Some are just like a locked-down ward. And the parent or the school official can have them committed to the hospital for up to 60 days of medical care.

Chairman MILLER. Why 60 days?

Mr. AUSTIN. I think that is as long as the insurance will cover. Then the youth can be let out and he can be put back in again for 60 more days. It has to be processed, I think, every 60 days. I think that is the case in most of these premiums that they sell.

But we don't have the full picture of how much this is going on. We do know it is increasing. There are advertisements on television and in newspapers for parents who cannot handle their children. They can commit their children to adolescent care units. That is the term they usually use.

Chairman MILLER. Pretty soon we will have them for the whole family, if I follow the TV ads correctly.

Mr. AUSTIN. Possibly.

Chairman MILLER. So you are suggesting perhaps this masks the number of children who are in locked facilities.

Mr. AUSTIN. In particular, the status offender. If you look at the charts, the number of status offenders has gone down since 1978, but they could now be in private facilities——

Chairman MILLER. So troublesome young people who have not necessarily been adjudicated may be sent to one of these facilities, is what you are suggesting.

Mr. AUSTIN. Right. And the reason usually is for alcohol abuse, drug abuse, or mental problems, the status offender.

Chairman MILLER. Thank you. Excuse me for interrupting.

Mr. AUSTIN. OK. I will just briefly summarize two things. Basically when we are talking about child abuse then and delinquency, we are really talking about the perspective that to use child abuse as simply one of several factors which adversely affect the healthy development of a youth during early childhood and adolescent.

Childhood plays an important—childhood abuse plays an important role in the inadequate socialization experiences of youth, who ultimately engage in repeated and serious criminal behavior. But a history of child abuse, per se, does not mean that youth will become involved in a delinquent career.

What is critical here is that you cannot trigger intervention, based on a symptom of child abuse alone. Because if you do, you will be unnecessarily intervening in many lives that don't require intervention.

But if you see that, plus other factors: problems in school, alcoholism, drug abuse, things like that, then you have a very high probability situation of the youth becoming a serious delinquent.

Policy implications—I have about four. First, it must be recognized that child abuse is related to many forms of maladaptive youth behavior, including school failure, youth unemployment, et cetera. The fact that these youth have multiple problems suggest that policies narrowly directed toward curbing child abuse alone must be coordinated with policies focusing on the problems in health, welfare, drug abuse, and delinquency. Federal agencies like NIDA, OJJDP, Education, HHS, need to coordinate their activities to formulate a more comprehensive approach to the problem of child abuse, which aims at reductions in the rates of delinquency, mental illness, chemical abuse, and school failure.

The concentration of Federal effort in the Juvenile Justice and Delinquency Prevention Act of 1974 provides a possible mechanism for such collaboration. And what I am referring to is where the Attorney General can convene the heads of these various agencies to develop joint strategies.

Moreover, the Federal Interdepartmental Council of Juvenile Justice and Delinquency Prevention might also be a useful vehicle for joint agency activities.

Second, a national clearinghouse of information on the relationship of abuse and delinquency should be created and maintained to provide policymakers and agencies with the most current data on national trends, research, successful prevention and intervention programs. Such a clearinghouse would routinely convene conferences to publicize issues and educate the public as to the extent of the problem.

Public education, I cannot stress it enough. It is really critical that we get the word out to the public, to other agencies as well, that this is a problem. Child abuse is rampant in our society and we need to do something about it. Public education doesn't cost as much as programs and it could have a tremendous impact.

Third, the Federal Government should encourage the testing of innovative prevention and treatment programs. These research and demonstration projects would focus on identifying the most promising strategies for adoption by State and local governments.

These could be jointly funded by a number of agencies: NIDA, OJJDP, Education could jointly fund a program and carry it out. I am not advocating for a massive program, just some concentrated efforts to test a program which States might be interested in.

Fourth, the juvenile court needs personnel trained in technical assistance on how to handle a youth with child abuse history. They don't know how to handle these kids. They don't have specialized training in what the impact of child abuse is and they need special assistance in that area.

Finally, and most importantly from our perspective at NCCD, there must be a strong commitment to ensure that youth placed in correctional facilities do not experience abuse while under the jurisdiction of the justice system.

Incarceration that exposes troubled youth to physical and sexual abuse is both immoral and counterproductive.

Thank you very much.

Mrs. BOGGS. Thank you very much, Dr. Austin.

[Prepared statement of James Austin follows:]

PREPARED STATEMENT OF JAMES AUSTIN, PH.D., DIRECTOR OF RESEARCH, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, SAN FRANCISCO, CA

Introduction

Each year at least 1 million and perhaps as many as 5 million children become the victims of child abuse. Furthermore, many millions of adults who experienced the trauma of physical, sexual and emotional abuse as children continue to be affected throughout their adult lives. The legacy of childhood abuse surfaces in their marital, family, educational and work problems. Most tragically, in some instances, adults with histories of child abuse repeat the cycle by inflicting the same harm on their own children.

These statistics (and the suffering behind these data) dramatize the fact that child abuse is one of the greatest problems facing this country. I have been asked to specifically address the relationship between the national problem of child abuse and another major national issue; juvenile delinquency. Many observers believe that child abuse leads to delinquency and adult crime. If this is true, reductions in the incidence of child abuse would achieve reductions in delinquency and further public safety. Moreover, efforts to prevent child abuse would be more cost effective than prosecuting and incarcerating youthful offenders.

In the following pages the most current research available is reviewed to clarify the relationship between child abuse and delinquency. From these research findings flow recommendations to help policymakers such as yourselves, implement the most effective programs and policies to curb both child abuse and delinquency.

I. How Many Children Are Abused?

Estimates on the extent of child abuse vary greatly depending upon the definitions employed and the methods used to make national estimates. The most current data are provided by the National Center on Child Abuse and Neglect (NCCAN) and the American Humane Association (AHA). NCCAN estimates that 3.4 children per 1,000 are known to suffer physical harm each year. If one includes sexual or emotional abuse, the figure rises to 5.7 children per 1,000. Among low income populations, the rate of abuse and neglect is four times higher than national estimates (27 children per 1,000 population).

The American Humane Association has been collecting official reports on child abuse from state and local units of government since 1976 (Table 1). These data show that 929,310 official reports of child abuse were reported in 1982. Neglect is the most frequent form of maltreatment followed by physical and emotional abuse. A very disturbing finding is that the very young (age 0-5) are most vulnerable to physical abuse. AHA also reports a 120 percent increase in abuse reports since 1976 although this increase is attributed to greater public awareness and more efficient reporting systems by public agencies. What is not known is whether the rate of child abuse is increasing or declining.

It should also be noted that these statistics are based on official data and do not take into account the large number of incidents never reported to public agencies.

Table 1

1982 NATIONAL ESTIMATES OF CHILD ABUSE*

Total Incidents:	100%	929,310
Physical Abuse	24%	223,025
Sexual Abuse	7%	65,050
Emotional Abuse	10%	92,950
Neglect	62%	576,175
Other	9%	83,625

Source: American Humane Association, 1983 Report (forthcoming).

* Numbers rounded to nearest 25. Percentages do not total to 100% due to multiple types of abuse reported per youth.

Data also exist on the characteristics of abused children and their families.

- 43 percent of these families were receiving some form of public assistance compared to 11 percent nationwide.
- 43 percent of these families were headed by single females compared to 14 percent nationwide
- Many families experienced problems related to economic stress (44 percent), poor health (40 percent), and family conflicts (73 percent).
- 40 percent of the household heads of abusive families were unemployed compared to 13 percent nationwide.
- The average age of abused children is 7 years with a range of 0-18 years.
- 95 percent of the perpetrators of child abuse were parents, four percent were other relatives, and only two percent were not related to the child.

II. Have Delinquents Experienced High Rates Of Child Abuse?

The overwhelming evidence from numerous studies show that adjudicated delinquents and, in particular, institutionalized delinquents have rates of child abuse far exceeding those of the general youth population. Both Garbarino and Plantz (1984) and Wedge (1983) in their comprehensive research reviews conclude that delinquents have significantly higher rates of child abuse compared to non-delinquent populations. These rates of child abuse for delinquents also are generally higher than for estimates for low-income groups (Garbarino and Plantz, 1984).

Studies of institutionalized youth (Rhodes and Parker, 1981, Steele, 1975, Mouzakitis, 1981, Kratcoski, 1982 and more recently NCCD, 1984) report that 26 to 55 percent of juvenile offenders have official histories of child abuse. These data not only confirm the high rate of child abuse among the "deep end" youth of juvenile justice but also provide evidence that abuse is related to serious and repetitive delinquent behavior.

III. Does Child Abuse Necessarily Lead to Delinquency?

Despite the fact that a significant proportion of juvenile delinquents have records of child abuse often predating their delinquent careers, childhood abuse does not inevitably lead to delinquency.

Longitudinal studies of children with histories of abuse show that less than 20 percent of the abused children eventually become delinquent. Alfaro (1978) conducted the first important study in this area. During a 20 year follow-up period, he found that only 17.2% of a sample of 4,465 New York youth reported to social service agencies as abused and neglected cases were found to later have an official contact with the juvenile court for delinquency. Similarly Young (1964) found in a study of 890 children from abused families that 9.7 percent later became adjudicated delinquents.

The important conclusions to be drawn from these two studies (which need to be replicated and updated) is that abuse is not a necessary or sufficient cause of delinquency. Instead, data from these studies and others (as summarized by Wedge, 1984) suggest that families providing inadequate parenting are more likely to produce children who are socially maladaptive including some who develop delinquent careers.

IV What Other Factors Contribute To Delinquency?

Although child abuse is associated with delinquency, its causal significance must be weighed against other factors. Drug abuse, school failure, inadequate family relationships, anti-social values, and most importantly, association with delinquent peers contribute to delinquency. Viewed in this context, child abuse is only one of several interrelated factors contributing to delinquency.

Elliot's current research is a significant effort to sort out the relative significance of these various causes of delinquency (BRI, 1984). Elliot's study involves a national longitudinal sample of youth age 11-15 who are being tracked through adulthood. Every two years these youth are re-interviewed to measure changes in their delinquent behavior, drug/alcohol use, emotional problems, family relations, school behavior and peer relationships. Thus far the following trends have been reported:

1. Delinquency rates for serious delinquents generally decrease over time. (From 8.6 percent for youth aged 11-15 to 4.5 percent for youth aged 15-21).
2. Rates of emotional problems for youth generally decrease over time. (10.1 percent for youth aged 11-15 to 3.9 percent for youth aged 15-21).

3. Rates of drug abuse generally increase over time. (3.4 percent for youth aged 11-15 to 12 percent for youth aged 15-21).

4. Youth defined as serious delinquents also report high rates of multiple drug use, emotional problems, school problems and family problems. They are principally male and have strong associations with delinquent peer groups.

5. Of all these contributing factors related to delinquency, a youth's association with delinquent peer groups is the most important predictor of serious delinquent behavior.

Elliot's data provide the basis for an integrated developmental model of the serious offender who experiences multiple problems during childhood and adolescence. Unfortunately this research does not include measures of child abuse and thus is unable to assess the relative effect of childhood abuse on delinquency.

An on-going study by NCCD is shedding some new light on this issue by incorporating measures of official reported child abuse with other indices of youth problems. NCCD is studying the impact of various juvenile court sanctions in Utah on suppressing delinquency careers. This research collects self-report and official measures of delinquency, as well as alcohol and drug abuse, patterns of family relationships and school performance. Preliminary results presented in Table 2 show that adjudicated delinquents, and especially institutionalized delinquents report extremely high rates of alcohol and drug use, and delinquency. Official reports of child abuse as reported by public agencies are also quite high for adjudicated delinquents and especially for the institutional youth (Table 3). The Utah study presents a picture of delinquent youth with a myriad of social and family problems which collectively have contributed to well established patterns of repetitive serious crimes. Future analysis in the Utah Juvenile Court study will focus on how successful the court is in reducing these criminal patterns using probation, community treatment, or institutionalization.

Table 2

MEAN NUMBER OF SELF-REPORTED DELINQUENT BEHAVIOR DURING THE PREVIOUS TWELVE MONTHS

DELINQUENT BEHAVIOR	NATIONAL SURVEY	UTAH JUVENILE COURT SAMPLE	
		CORRECTIONS	PROBATION
Felony Assault	0.3	32.2	9.1
Minor Assault	1.2	47.1	17.5
Robbery	0.1	16.5	0.4
Felony Theft	0.4	54.0	15.6
Minor Theft	1.1	65.5	14.8
Damaged Property	0.6	70.8	36.3
Alcohol Use	44.5	109.9	38.3
Sold Marijuana	3.2	54.7	11.6
Sold Hard Drugs	1.2	13.2	0.4
Bought Liquor/Minor	1.6	20.6	5.5
Drunk in Public	6.1	26.5	13.9

SOURCE: Utah Juvenile Court Study, Interim Report, NCCD Research Center, 1984

Table 3

ALCOHOL, DRUG AND CHILD ABUSE CHARACTERISTICS ADJUDICATED YOUTH

	CORRECTIONS (63)	PROBATION (268)	INFORMAL PROBATION (59)
Drug/Alcohol Associated Crime	36.8%	36.1%	17.9%
Alcohol Use	21.1%	12.5%	11.5%
Drug Use	62.0%	58.1%	32.8%
Drug Abuse (Alcohol/Other)?	59.6%	37.4%	20.8%
Disciplined by Parents?	39.2%	51.1%	69.4%
History of Child Abuse	50.8%	17.2%	15.3%

SOURCE: Utah Juvenile Court Study, Interim Report

NCCD Research Center, 1984

V. Does Delinquency And Institutionalization Lead To Abuse?

Here the research is quite limited. There are only a few studies which document how a youth's delinquent lifestyle can increase the likelihood of abuse. For example runaways, especially young girls, may become involved in pornography and prostitution. As part of that lifestyle, they may become sexually and/or physically abused by pimps or customers (Fisher, Weisberg, and Moratta, 1982). It may also be, however, that abuse in the family led to the youth's initial decision to run away and, thus, predated delinquent behavior.

A more probable example of delinquency leading to abuse occurs in the situation in which youth are unnecessarily incarcerated in adult facilities (prisons and jails) or juvenile correctional facilities and police lock-ups not meeting accredited standards of institutional care. In overcrowded and substandard facilities delinquent children are vulnerable to sexual and physical abuse by older and more sophisticated inmates. And in some instances institutional staff may also be the perpetrators of inmate abuse.

The extent to which abuse occurs in correctional institutions is not known. However, we do know that the number of youth being confined in public secure correctional facilities is growing and our facilities are becoming increasingly overcrowded. Table 4 shows that the number of youth confined in such facilities has increased from 25,767 to 36,545 despite a significant decrease in the youth arrest rate. Many juvenile correctional facilities are overcrowded. Furthermore, despite efforts to remove children from adult jails the number of jailed youth has remained relatively constant since 1978, with an average one-day count of 1,700 children in adult jails (Table 5). Many juvenile institutions are facing litigation for unconstitutional conditions of confinement (Children's Defense Fund, 1976; Wooden, 1976; Stenlund and Daniel, 1981). As long as substandard correctional facilities are allowed to operate (whether by public and private agencies) delinquent children are exposed to the risk for abuse. Institutional abuse further compounds the effects of family abuse suffered by many of these youngsters.

Table 4

ONE DAY COUNTS OF JUVENILES IN PUBLIC SECURE JUVENILE FACILITIES

	1977	1979	1982
Total Juveniles In Secure Facilities			
Males	21,906	25,719	32,006
Females	3,861	3,709	4,539
Total	25,767	29,428	36,545
Status Offenders In Secure Facilities			
Males	1,141	627	530
Females	909	548	570
Committed As Delinquent	830	428	420
Detained Awaiting Adjudication	1,220	747	680
Total	2,050	1175	1,110

Source: NCCD Research Center
OJJDP Children In Custody Survey

Table 5

JUVENILES IN ADULT JAILS, 1982

Males	1,577
Females	152
Awaiting Preliminary Hearings/Adjudication	1,274
Adjudicated	455
Total One Day Count	1,729

Source: BJS Jail Survey 1982

VI. The Multi-Problem Youth

The studies cited above point toward a perspective that views child abuse as one of several factors adversely affecting the healthy development of a youth during early childhood and adolescence. Childhood abuse plays an important role in the inadequate socialization experiences of youth who ultimately engage in repeated and serious criminal behavior. But a history of child abuse per se does not necessarily result in a youth becoming involved in serious delinquent careers. Instead, childhood abuse appears to interact with other key factors producing very troubled children.

From a policy perspective this means that programs aimed exclusively at curbing child abuse will not substantially reduce delinquency since most abused children do not become delinquent. But if other factors, such as inadequate family supervision/discipline, drug and alcohol use, school failure, learning disabilities, and association with delinquent peers are occurring, then the probabilities that youth will become serious offenders are greatly enhanced. Table 6 illustrates how these factors might sequentially impact a child through various developmental stages.

Policy Implications

Based upon these research findings what steps need to be taken to reduce the incidence and effects of child abuse as it relates to delinquency?

First, it must be recognized that child abuse is related to many forms of maladaptive youth behavior including school failure, youth unemployment, drug and alcohol abuse, mental illness, and delinquency. The fact that these youth have multi-problems suggest that policies narrowly directed toward curbing child abuse must be coordinated with policies focusing on problems in health, welfare, drug abuse, and delinquency. Federal agencies like HHS, NIDA, OJJDP, and Education should better coordinate their activities to formulate a comphrehensive approach to the problem of child abuse that also aims at reductions in rates of delinquency, mental illness, chemical abuse, and school failure.

Table 6

CONTRIBUTING FACTORS TO DELINQUENT CAREERS

Ages	Contributing Factors
0 - 6	Child Abuse - Physical and Sexual Mal Nutrition/Poor Health Neurological Disorders Emotional Neglect Material Neglect/Poverty
7 - 11	School Performance Learning Disability Family Strain Uneven Family Discipline Neglect - General
12 - 16	Drug Abuse Alcohol Abuse Delinquent Peer Involvement School Failure/Dropout Unnecessary Institutionalization Unemployment
17 years - Adulthood	Marital Problems Unemployment Drug Addiction Criminal Behavior Mental Health Intervention Criminal Justice Intervention

The "Concentration of Federal Effort in the Juvenile Justice and Delinquency Prevention Act of 1974" provides a possible mechanism for this collaboration. Moreoever the Federal Interdepartmental Council of Juvenile Justice and Delinquency Prevention might be a useful vehicle for joint agency activities.

Secondly, a national clearinghouse of information on the relationship of abuse and delinquency should be created and maintained to provide policymakers and agencies with the most current data on national trends, research and successful prevention and intervention programs. Such a clearinghouse would also routinely convene conferences to publicize issues and educate the public as to the extent of the problem. The clearinghouse would emphasize successful or promising programs and policies aimed at multiproblem family and youth.

Third, the Federal government should encourage the testing of innovative preventive and treatment programs. These research and demonstration projects would focus on identifying the most promising strategies for adoption by state and local governments. These need not be nationwide programs, but rather rigorous studies of particularly innovative approaches. Preventive programs should be directed toward working with deeply troubled parents and troubled families who perpetrate cycles of abuse. Other programs should focus on minimizing the continued legacy of harm for youth who have suffered the trauma of abuse.

Fourth, juvenile court needs personnel training and technical assistance on how to handle youth with child abuse histories. A significant proportion of adjudicated delinquents have or are experiencing some form of abuse. Programs and specially trained staff are needed to provide counselling and treatment programs to these youth, many of whom are also experiencing drug and alcohol abuse, family alienation and school failure. Incarcerated youth are in greatest need of such services.

Finally, there must be a strong commitment to ensure that youth placed in correctional facilities do not experience abuse while under the jurisdiction of the justice system. Incarceration that exposes troubled youth to physical and sexual abuse is both immoral and counterproductive.

Mrs. Boggs. Ms. Crawford, would you please proceed in any way that you wish?

STATEMENT OF DOROTHY CRAWFORD, PROJECT DIRECTOR, RESEARCH AND DEVELOPMENT TRAINING INSTITUTES, PHOENIX, AZ

Ms. Crawford. Thank you. First of all, as a private citizen, I would like to thank and commend this task force on undertaking a study and investigation of the nature that you are doing.

I have had an official career of 30-plus years in which almost that entire time I have been involved serving children, juveniles, and young adults that are handicapped. And I have yet to meet any of them that you could really call the so-called bad seed.

I have yet to see a child who at least initially didn't want to learn, didn't want to have friends, didn't want to be loved, and didn't want to succeed. They are all out there, the same as you and I.

And yet, some way or other, it seems to me we are facing an issue of where our juveniles that are handicapped have been somewhat indicted, rather than society being indicted for failing to serve them properly.

Well, with that off my chest, I will go on with my assignment. And that is that I was charged to summarize—review and summarize the current literature on the prevalence of handicapped juveniles in the correctional institutions in this country.

I hope to be able to convey and communicate to you something that I discerned as I conducted this particular summary. What I am reporting is the tip, only the tip of the iceberg. Believe me, I don't know that I ever really carefully reviewed the current literature until I was asked to do it for this particular task force, at least in terms of the overall aspect of handicapped juveniles in the system.

When I say the tip of the iceberg, what I am reporting to you in the written testimony, you will see somewhat gobbledygook perhaps, somewhat technical. I am going to try to translate that into more interesting kind of information.

But you must know that when you talk about this particular subject where researchers and statisticians are involved, this particular subject has limited data that really could be considered good data. Consequently, the literature reflects only conservative estimates. I feel that there is more reliable information on the subject that is reported by the practitioners, the people out there working with these kids. They are the service providers. They know what is going on. They have the empirical information, that of being by observation and practical experience. They can give a much more accurate representation of the problem. And then also your providers and the people that have been—both researchers and practitioners perhaps last of all.

All right. The literature that I reviewed, I found only three national surveys that could be considered in this report; also, one comparative analysis.

The findings and their implications reveal a very serious situation of a very grave nature and I cannot emphasize what I just said too strongly. I firmly believe that if we do not act, start acting rather than proacting or reacting, we are in for another long, hard 20 years perhaps.

The first national survey I would like to direct you to was one that was conducted by David Morgan. He took 11 handicapping categories that are in 94-142, the Education Act for all handicapped children. And the paper that he drew up was entitled: "Prevalence and Type of Handicapping Conditions Found in Juvenile Correctional Institutions."

The second survey was from the National Center for Health Statistics. And it was entitled: "Prevalence of Selected Impairments in the United States." It was done in 1971.

The third survey was by David Kaskowitz and it was entitled: "Validation of State Counts of Handicapped Children: Volume II—Estimation of the Number of Handicapped Children in Each State."

All three of these surveys had a lot of biases. In other words, there were so many variables that were involved here that we could not really say, there is an accurate report, only estimates, on the basis of what they were able to draw from the information that they collected.

In fact, David Morgan's survey was the only one that was really honed in on the handicapped personnel—or juveniles rather—in the correctional institutions.

The last survey that I want to talk about--it is not really a survey, it is a comparative analysis examining the prevalence of learning disabilities of the juvenile delinquent population.

This analysis was conducted by the National Center for State Courts, Williamsburg, VA, and the ACLD-R and D project. Dr. Noel Dunivant and myself were the coproject directors. I would like to make a brief note here that my role was more that of an arbitrator, keeping all parties working together and cooperating.

When you are dealing with research and also program at the same time, many times the two disciplines fail to communicate appropriately.

I would like to take some time to talk about a little story; the analogy here, I think is very pertinent. Because between the systems or disciplines that leave an impact on these youth, we have a communication breakdown, which makes it very difficult to draw information that is relevant, that can help in assessing and deciding what needs to be done.

This particular story, supposedly, is true. A woman went to an attorney to ask for a divorce from her husband and the attorney went through the usual questions that I guess are normally posed to somebody of that kind. He asked her first if she had any grounds and she said, yes, I have 2½ acres out in Scottsdale, AZ.

And the next question was, well, perhaps you have a grudge? And she said, Oh, yes, we have a two-car garage.

Finally he said, well, maybe the problem is that your husband beats you up and she said, Oh, no, I get up at least 1 hour and 45 minutes before he does every morning.

And he said, Well, lady, what is your problem? Why do you want this divorce? And she said, We cannot communicate and that is why I have to get rid of him.

So today let's hope we communicate and we can get our systems to doing the same thing.

But back to the study, we had some really very rigorous controls. In fact, this study—I hesitate to say this since I was involved and it sounds like I am not very objective—but it had the best controls of any study that has ever been done, of this nature, and on this topic.

The controls that were built in were those that were double blind, so supposedly there could not be too much contamination or bias. It involved approximately 2,000 juveniles, 12- to 15-year old males, across the country.

The testing which was done was to determine whether a juvenile was learning disabled or not learning disabled to determine the prevalence of learning disabilities within the juvenile system.

There was also another study that went along with that in which we looked at the incidence of juveniles with learning disabilities in the public school population, officially nondelinquent.

This study too had its biases, but because of the national scope and the documentation of the results, it has to be the most accurate of any prevalence study conducted to date.

Now, back to Morgan's study, because I want to just go in a little bit of detail regarding the findings there. Morgan compiled survey results from 50 States and four U.S. territories, the number of incarcerated youth with one or more of the handicaps specified in the Education for All Handicapped Children Act.

Of the 11 handicapping conditions, he found the 3 most prevalent handicaps were emotional disturbances, learning disabilities, and mental retardation.

Since the kind of survey he conducted was that in which he asked the respondents to indicate only the most disabling problem for individuals with more than one handicap, the survey data does not include the incidence of multiple handicaps among this particular group of youngsters.

In addition, you have to remember that in the surveys I am reporting, you are looking at only those where the response came from administrators of those who were involved in or identified and/or being treated. We are not even thinking—I am talking about numbers—in terms of the undiagnosed or nonincarcerated juvenile offenders. They are not included in the figures.

In addition, when you are looking at this particular survey, there are also only those figures that are based on kids that are handicapped per 94–142. In other words, where the handicap adversely affects educational performance. That is a very important factor.

Morgan, in his survey, essentially found among juvenile offenders a total of 42.1 percent prevalence of handicapped juveniles in the system. This has to be one of the most conservative estimates that could ever be done and particularly when you can look back and take the empirical information that I spoke about earlier.

Speaking on the basis of empirical data and anecdotal information, the figures are seriously underestimated. Again, the survey only demonstrates the tip of an iceberg. This population is one that society would tend to ignore or neglect. It is much easier to look the other way than to try to deal with a serious problem of this kind.

Knowledgeable practitioners and clinicians who work with these kids—and I have to say that I am one of this group—would say that it could be easily predicted that we are looking at least at an incidence of 70 percent in the, incarcerated population, a conservative estimate even at that.

Morgan, of course, broke down his handicapping conditions and percentages, in which he looked at emotionally handicapped 16.2 percent; specific learning disabled at 10.6 percent; educable and trainable mentally retarded at a total of about 9.5; and in the speech impaired, visually handicapped, hard of hearing and other handicapping conditions, approximately anywhere from 1 to 1.8 percent incidence.

If you gasp when I talk about 70 percent incidence or even 42 percent—42 percent is rather an outrageous statistic when you stop to consider that we are perhaps creating multiple handicaps by designating them adjudicated delinquent and handicapped.

Consider some of these factors that would lead me to believe and charge you with a 70-percent incidence figure. Many juvenile offenders are in and out of correctional training institutions. They are—for example, like juvenile offenders who are awaiting their adjudicatory hearing. They are those who have never even been screened for the learning disabilities, mental retardation, emotional disturbance, or whatever.

Under the prevalence of emotional disturbances, some factors regarding the 70-percent incidence are such things that many emotionally disturbed juveniles in the justice system are not identified, due to a lack of adequate comprehensive psychological and/or psychiatric intake examinations. Therefore, these juveniles are not even included in Morgan's study, or any other.

To go on with this same thing, there were results of a national survey that was one done by, I think, Kaskowitz, which pointed out that within juvenile correctional programs, there were only 36 percent of the facilities providing psychiatric screening at intake, only 36 percent! Where are those kids that are in that other 64 percent? How many more would we have if we looked?

In another national study of juvenile courts, it was found that psychological evaluations were not routinely collected even in courts. And that evaluations by experts such as attorneys, psychiatrists, psychologists, only occurred in cases where the youth had serious emotional, social, or physical problems, or in cases in which a serious disposition was being considered.

Now, just on that basis alone, talking about the emotionally disturbed, wouldn't you all agree that there is information here that gives us a solid basis for the knowledgeable practitioner to claim that there is an extremely high prevalence of emotionally disturbed juveniles that are incarcerated, and not necessarily those that have been identified for the record?

On learning disabilities, according to Morgan's data, learning disabilities was the second most prevalent handicap among juvenile clients incarcerated. His data suggested 10.6 percent of incarcerated juveniles as having learning disabilities as their most disabling handicap. Again, it is an extremely low estimate. Going back to the ACLD-R&D study, with the rigorous controls and very stringent kind of definition, with criteria to match it, we found that there was a 32-percent national prevalence of handicapped juveniles with learning disabilities in the entire juvenile justice system. Just learning disabled alone.

If you were to take and extrapolate figures and take a look at only those that are incarcerated, knowing what we know now from this study, such as those with learning disabilities turn to more serious and violent offenses as they get older, we would venture to say that perhaps we were looking at least another 10 to 20 percent higher incidence of learning disabilities in the incarcerated LD population.

The ACLD-R&D study—the link between learning disabilities and juvenile delinquency—also identified something that I feel is a very important kind of footnote for this particular testimony. And that is: early identification is one of the keys for—not only early identification, but also intervention, is one of the key factors in preventing children with learning disabilities from penetrating the juvenile justice system.

The school failure syndrome exists for so many children that have learning disabilities. It is a very important kind of factor in which we saw that from there they went into delinquent kinds of activity.

The third most prevalent handicap that Morgan found was that of the mentally retarded juvenile. His survey in the juvenile correctional institutions employed the definition of mental retardation proposed by the American Association on Mental Deficiency. That was done by Grossman in 1973.

He found that 9:5 percent of incarcerated juveniles are mentally retarded. This includes both educable and trainable retardates.

However, the proportion of mentally retarded incarcerated offenders varies considerably, according to geographical region, for both adult and juvenile populations that are classified as mentally retarded.

Brown and Courtless suggest that these geographical variations are indicative of the effect of social, cultural variables. Those variables in the juvenile court structure and procedure may also account for some of the geographical variation. That is, courts with more extensive pre-intake screening may divert a larger portion of mentally retarded juveniles in courts with direct filing procedures.

And then similarly, the geographical variations may be due in part to state variations in resource availability outside the correctional systems for handling mentally retarded juvenile offenders.

Now, in contrast to Morgan's survey, the estimates for Georgia for mentally retarded juveniles in the system—one comes from the Atlanta Association for Retarded Citizens. They report an initial survey of the correctional institutions of Georgia show that as high as 39 percent of the inmates could be classified as mentally retarded.

And in the juvenile centers, the percentage was 44 percent. Now, Morgan's survey, when he broke it down by States, reported that 22 percent of Georgia's incarcerated juveniles are mentally retarded. There again, it gives you a pretty clear picture of how we see so many different kinds of estimates, so many different kinds of statistics that are presented through the different kinds of surveys.

It makes one wonder what really is taking place out there.

Well, overall then Morgan's survey indicated that 42-plus percent of the population of juveniles incarcerated could be, and are estimated to have some kind of a handicap. These again are only estimates that come from responses of questionnaires that he sent out. It is most obvious, just taking Morgan's national survey alone, and dismissing all the kind of data and information that comes empirically, that the prevalence of handicapped juveniles in the justice system is significant and it presents a monumental problem and a very complex problem that must be resolved.

We can't afford to continue to perpetuate this terrible waste of human resources. I have been involved for over 30 years and I just cannot believe that we have come along at such a snail's pace. Perhaps it is because of the fact that I have been involved that I don't see the progress that I would think should be submitted to us now.

I become also very angry when I realize what we are doing to our youth. We are perpetuating what I classify as an unconscionable injustice to those, who through no fault of their own, are handicapped. And we really cannot afford to continue to ignore this neglected or ill-served group of human beings.

It appears that much of our efforts are directed to punitive and occasionally rehabilitative treatment, resulting in treating the symptom rather than the problem. We have got to set up a system that systematically initiates early identification and intervention measures, long before this at-risk group of children become adolescents and penetrate the juvenile justice system.

You internalize failure in somebody from an early age and it is very hard to externalize it after a period of time. We must have definitions, operational criteria, and programs for each handicapping condition that are uniform across the country and between the systems.

Kids fall in the cracks as they pass from system to system, because we do not have uniform policy, because we do not have uniform programs, in fact we don't even have uniform definitions, let alone anything else. I feel that this is one area where the Federal Government just must take a major role and intervene.

If we don't have one large agency responsible for directing this kind of initiative, things are not going to happen. There will be a breakdown, significant breakdowns.

There must be better coordination of services between the systems to remedy the problem. Without clear legislation and policies designating responsibility for providing special services, agencies are able and will be able to continue to avoid dealing with the complex task of providing quality services to this specific population.

Specific laws, decisions, and policies must be made about which system or combination of systems are to be responsible for these juveniles.

I can remember within just the last few years where a correctional training school—the State remains unnamed, had a terrific educational program. They really did. Juveniles came in who were functioning at about the third, fourth grade level in one or more of their basic academic skills. They were 15 and 16 years of age.

They did very well in the program in the correctional training institution. But when they returned into the community and went back to their high schools, they were not wanted. For schools didn't want these "rotten" kids. And so they refused to give them credits, their educational credits, that had were received at correctional training schools.

What do you suppose happened to these juvenile? They quit. Wouldn't you?

Many were back in the training institution in a very short period of time. I do not mean to indict the educational system I have been a part of it off and on for many years, but it is a thought, about our turfdom that we set out and the cracks between the systems.

Until we do get uniform policy and program methods set up, we are going to continue to have a serious issue; that is denying the inalienable rights of certain children, through our own sheer neglect.

We can't continue this. I heard just recently, and this is an anecdotal piece of information—that there are approximately 1 million children in this country who yearly have some kind of contact with the juvenile justice system.

I will compromise with Morgan, between his 40-percent incidence a figure and my 70 percent; say we are looking at about 50 to 55 percent incidence or prevalence of handicapped juveniles incarcerated. If that is what we are looking at, we are looking at a heck of a lot of kids that are passing into the system, many unnecessarily because we are not coming up with early identification or, early intervention. It is high time we did!

I plead their cause, Madame Chairman and members of the Task Force, and I implore you, I really do implore you, that you initiate some really strong and positive measures to resolve the issue.

[Prepared statement of Dorothy Crawford follows:]

PREPARED STATEMENT OF DOROTHY CRAWFORD, PROJECT DIRECTOR, R&D TRAINING INSTITUTES, INC.

My name is Dorothy Crawford, Director of the R&D Training Institutes, Inc., a not-for-profit organization which serves adolescents and young adults with Learning Disabilities and other related handicapping conditions. At the present time, I am directly involved in developing and writing training curriculum on treatment decisions and alternatives for at-risk juveniles (at risk for penetrating the justice system) to be utilized by professionals who impact on these youths. The data base used for developing these materials is from the ACLD-R&D Project, a study investigating the prevalence of Learning Disabilities and the relationship, if any, between Learning Disabilities and Juvenile Delinquency. I was a co-project director of this national multi-million dollar study funded by the Office of Juvenile Justice and Delinquency Prevention/U. S. Department of Justice, and involving approximately 2,000 twelve to fifteen-year old males, both officially non-delinquent and adjudicated delinquent.

The topic I have been assigned to research and present the results of to this Committee is that of surveying and summarizing the literature which reports the prevalence of handicapped juveniles in the justice system. This task turned out to be one most awesome in nature and a frustrating experience for this writer; awesome because of the apparent magnitude of the problem as reported by practitioners; frustrating because of the lack of reliable data verifying practitioners' experiences and/or observations.

In reviewing the literature, I found only a very few recent (past 13 years) comprehensive surveys of the handicapped juveniles in the juvenile justice system have been conducted. Of these few, there were three national surveys and one national comparative analysis examining the prevalence of handicapped juveniles. One national survey was that of David Morgan (1978), "Prevalence and Types of

Handicapping Conditions Found in Juvenile Correctional Institutions." A second survey was from the National Center for Health Statistics, "Prevalence of Selected Impairments in the United States" (1971). A third survey was by David H. Kaskowitz, "Validation of State Counts of Handicapped Children: Volume II - Estimation of the Number of Handicapped Children in Each State." All three of these surveys had a large number of biases and variables making a valid measurement of the accuracy of the predicted prevalence virtually impossible.

The comparative analysis examining the prevalence of Learning Disabilities was conducted by the National Center for State Courts and the ACLD-R&D Project, Noel Dunivant and Dorothy Crawford, Co-Project Directors. This analysis had some rigorous controls built into its design. Ultimately, approximately 2,000 twelve to fifteen-year old males in two populations (one officially non-delinquent and the other adjudicated delinquent) were involved in which their records were reviewed followed by testing for LD or not LD. The results of the evaluations were then analyzed to determine the prevalence of LD in both groups and comparisons made of the statistical prevalence of LD between non-delinquent and delinquent populations. This study too had its biases, but due to its national scope, documentation of results, and the research controls, probably is the most accurate of any prevalence study conducted to date. Its limitations are primarily in the areas of definitional issues and that only one handicapping condition was examined.

Juveniles diverted from the juvenile justice system and those detained, yet undiagnosed, are often omitted in study findings. These omissions limit the information available on the degree and character of handicaps among juvenile justice clients. The available research also lacks information on the quality and extent of services to handicapped offenders in the juvenile justice system.

Instead, the literature focuses on descriptive studies of specific policies and programs, of the classification of behaviors.

Given the above limitations, this testimony draws heavily from evidence in the available national studies such as those of Kaskowitz (1977), Morgan (1978; 1979), Crawford and Dunivant (1982). In addition, consistent findings from geographically narrower studies are presented drawn from a yet unpublished report from the American Justice Institute. They contacted juvenile justice officials and practitioners. This direct contact revealed information frequently neglected in the literature. The reader is cautioned to distinguish between suggestive and definitive findings.

Three national studies of handicap prevalence are cited throughout this report (i.e., Morgan, 1978, 1979; Kaskowitz, 1977; Crawford and Dunivant, 1982). Morgan examined the incidence of handicaps in juvenile correctional institutions. Kaskowitz surveyed the incidence of the same handicaps among the school-age general population, ages six to 17. Crawford and Dunivant (1982) examined the incidence of Learning Disabilities in two populations of 12 - 15-year old males in order to determine the variance of incidence, one of approximately 1,000 officially non-delinquents, and the other of approximately 1,000 adjudicated delinquents to determine the difference, if any. The relative incidence of each major handicap in the juvenile justice system is presented. Incidence of the handicaps among juvenile justice system clients are compared with those of the school-age general population. The comparisons indicate possible relationships between the handicaps and delinquency.

Morgan compiled survey results from 50 States and four U. S. territories on the number of incarcerated youth with one or more of the handicaps specified in the Education of All Handicapped Children Act of 1975 (P.L. 94-142). Of the 11 handicap categories covered by Morgan's survey, the three most prevalent handicaps were emotional disturbances, learning disabilities, and mental retardation. Since Morgan instructed respondents to indicate only the most disabling problem for individuals with more than one handicap, the survey data does not include the incidence of multiple handicaps among juvenile justice system clients. Morgan's survey results are summarized in Table I along with prevalence estimates in the general population from L. M. Dunn in 1973 and statistics collected by David H. Kaskowitz. (See following Page for Table I)

Morgan expresses concern that his figures may be inflated.* However, the following observations contradict his caution: other studies report even higher incidence rates for incarcerated juveniles; some estimates for single handicaps exceed 50 percent (Murray, 1976; Swanstrom, Randle, and Offord, 1979); undiagnosed and non-incarcerated juvenile offenders are not included in the figures; and P.L. 94-142 (the basis upon which Morgan identified handicapped juveniles) concerns only handicaps that "adversely affect educational performance" (Morgan, 1979:88-89).

In a study funded by the Federal Bureau of Education for the Handicapped, Kaskowitz reviewed the literature and presented "low" and "high" estimates of the prevalence of P.L. 94-142 handicaps in the school-age general population. Kaskowitz's high estimates of handicaps among the school-age general population are compared with Morgan's incidence figures. (Consequently, the differences between handicap

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*For several reasons, Morgan suggests his estimates may be inflated. These reasons include: broad interpretations of definitions; qualifications and resources of those conducting evaluations; several instances of educated guesses, instead of individual evaluations; and the possibility of "overlabeling" to secure extra subsidies (Morgan, 1979:292).

Table I

Comparison of Prevalences of Handicapping Conditions Among Juvenile Offenders and Among the General Student Population Drawn From Surveys and Prevalence Estimates.

Handicap	% Among Juvenile Offenders*	% in General Population** Dunn (1973)	Kaskowitz
Emotionally Handicapped	16.2	2.0	1.2 - 2.0
Specific Learning Disabled	10.6	1.5	1.0 - 3.0
Educable Mentally Retarded	7.7	1.5	2.3
Trainable Mentally Retarded	1.8	0.8	
Speech Impaired	1.7	3.5	
Visually Handicapped	1.6	0.1	
Hard of Hearing	1.4	0.6	
Other	1.1	0.6	
TOTAL	42.1	10.6	2.2 7.3

*Morgan (1979) sent questionnaires to state juvenile correctional administrators in 50 states and 5 U. S. territories. Response rate, completeness, and considerations of nonresponse-bias effects are difficult to assess. Morgan states (p. 284) that "replies were received from all but the Virgin Islands, and all but 6 provided most of the information requested. The number of responding institutions was 204." Morgan states that some other non-sampling biases in his survey are (a) the broad interpretations given definitions of handicaps by the survey respondents; (b) "overlabeling" in order to maximize state and federal funding; and (c) concealment of primary data in order to report impressions favoring respondents biases and predilections.

**Prevalence estimates for student population from Dunn (1973, p. 14). Prevalence statistics by Kaskowitz drawn from Metz (1973); National Center for Health (1975) reports.

prevalence in the juvenile justice system and the school-age general population, presented herein, are conservative estimates.)

Many juvenile offenders are not incarcerated; therefore, reliable estimates are unavailable about handicap prevalence among non-incarcerated delinquents. Similarly, juvenile offenders awaiting their adjudicatory hearing, and non-adjudicated delinquents should be included in any handicap study of juvenile justice system clients.

Prevalence of Emotional Disturbances Among Juveniles In The Juvenile Justice System

Morgan found that emotional disturbances is the most prevalent handicap among residents of juvenile correctional institutions (Morgan, 1978). Morgan's survey results indicate a 16.2 percent prevalence of emotional disturbance among incarcerated juvenile offenders. Many emotionally disturbed juveniles in the justice system are not identified, due to a lack of adequate, comprehensive psychological and/or psychiatric intake examinations; therefore, they are not included in prevalence statistics. Although Morgan suggests his estimates may be inflated, it is also possible that the available prevalence data on emotional disturbances in the juvenile justice system are underestimates.

National surveys of correctional programs, detention facilities, and the courts indicate psychological and psychiatric evaluations are conducted on a limited basis. The results of a national survey of 39 juvenile correctional programs (carefully sampled to represent the different types of facilities in the juvenile justice system) indicate only 36 percent of the facilities provide psychiatric screening at intake (Vinter, Newcomb, and Kish, 1976). Similarly, in a summary of the results of a 1966 national survey by Pappenfort, Kilpatrick, and Kuby, Sarri reports that of the 242 detention facilities surveyed, 53 percent provided no psychiatric examinations (Sarri, 1974:55). In those detention facilities providing testing, only 22 percent of the detained youth received psychological testing, and only 10 percent were psychiatrically evaluated (p. 56). Although the survey was conducted several years ago, Sarri suggests that the data are still accurate, as detention practices have barely altered over the past 50 years (p. 36). Finally, in a national study of juvenile courts conducted by the same researchers, it was found that " . . . psychological evaluations were not routinely collected in most courts . . ." and that ". . . evaluations by experts--attorneys, psychiatrists, psychologists--only occurred in cases where youth had serious emotional, social, or physical problems, or in cases in which a serious disposition (transfer of custody, institutionalization) was being considered" (Sarri and Hasenfeld, 1976:147-148).

A large percentage of disturbed juvenile offenders are not identified or provided with psychological or psychiatric examinations. Generally, psychological or psychiatric examinations are given only to juveniles whose parents, probation officer, or juvenile hall staff request them (Sacramento County Probation, 1981). Given the limited resources, those identified for exams are most likely the overtly violent or suicidal juveniles, who are often hard to manage, therefore, easily recognized. Many violent emotionally disturbed juvenile offenders are not identified for evaluation. In a study of violent juvenile delinquents, Lewis, Shanok, Pincus, and Glaser report:

> Because of the need for lengthy diagnosis and prolonged treatment, violent juveniles are likely to be dismissed merely as incorrigible sociopaths and simply incarcerated. Our findings suggest that enlightened psychological, educational, and medical programs can and should be devised to meet the needs of these multiply-damaged children (Lewis, Shanok, Pincus, and Glaser, (1979:318).

Comparison of Morgan's figure of 16.2 percent prevalence of emotional disturbance among incarcerated juveniles with Kaskowitz's estimate of 1.2 to 2 percent incidence* of emotional disturbance among school-age children in the general population indicates emotionally disturbed juveniles are over-represented in the juvenile justice system. Even if Morgan's prevalence statistics are somewhat overestimated (as he suggests), the gap between the figures remains considerable.

Prevalence of Juveniles With Learning Disabilities in the Juvenile Justice System

Estimating the prevalence of learning disabilities in the general and delinquent populations is complicated, due to problems of definition, measurement and sampling procedures. From an extensive literature review of studies concerned with learning disabilities and delinquency, Murray reports, "With few exceptions, *the quantitative work to date has been so poorly designed and presented that it cannot be used even for rough estimates of the link*" (Murray, 1976:61, emphasis in original). Nevertheless, available estimates can provide a sense of the magnitude of the difference between learning disability prevalence in the general and delinquent juvenile populations.

According to Morgan's data, learning disabilities are the second most prevalent handicap among juvenile justice system clients (Morgan, 1979). Morgan's data suggest that 10.6 percent of incarcerated juveniles have learning disabilities as their most disabling handicap. Other researchers report different estimates of learning disabilities among delinquents. Murray reports a range of estimates "from 90.4 percent to 56 percent to 32 percent to 22 percent" (Murray, 1976:61). Recent studies provided prevalence figures of 56 percent, 49 percent, and 37 percent. Swanstrom, Randle, and Offord (1979) examined 105 adjudicated 12-to-17-year-old boys in Rochester, Minnesota, and reported that 56 percent were learning-disabled.

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*Low estimate based on Metz (1973) and high estimate based on National Center for Health Statistics (1972; 1974; 1975) Health Examination Surveys of Children and Youth.

Podboy and Mallory (1978:32) studied 250 youths held at a juvenile detention facility in Sonoma County, California, finding 49 percent to be learning-disabled. Sawicki and Schaffer (1979) determined 27 percent of 232 boys and girls in detention at the St. Louis County Juvenile Court were learning-disabled. Finally, the Association for Children with Learning Disabilities (ACLD) found 32 percent learning disability among delinquents (Crawford and Dunivant, 1982). The ACLD study is the only national prevalence study with double blind controls and where an at-random national sample was selected and tested creating viable results.

In contrast to the range of 10.6 percent to 90.4 percent learning disabilities among juvenile delinquents, Kaskowitz (1977:32) reports estimates ranging from 1.0 to 3.0 percent learning disabilities among the school-age general population.* Kaskowitz notes the low and high ends of the range correspond to figures estimated by the National Advisory Committee on Handicapped Children in 1968 (p. 33). This difference suggests a relationship of some kind between learning disabilities and delinquency. The nature of this hypothesized link has been the subject of considerable research (e.g., Broder, Dunivant, Smith, and Sutton, 1981; Lane, 1980; Murray, 1976). (See following Page for Table II)

ACLD Prevalence Study - LD: Over-representation in the Juvenile Justice System

The ACLD Prevalence Study examined juveniles:

(1) adjudicated delinquent compared to those with no official record of delinquency;

(2) found to be learning-disabled compared to those not learning-disabled; and those

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*Using a statistical procedure to determine the relative incidence of learning disabilities by age, Kaskowitz suggests that juveniles in the 14-17 year range have less incidence of learning disabilities than children in the 6-13 year range.

Table II

Incidence of Learning Disabilities
(per ACLD-R&D Project)

	12-15-year-old Males Adjudicated Delinquents	Predicted Incidence in Public School Population K-12
Learning Disabilities	32%	4.5%

Significant Research Findings

1. The findings supported the hypothesis that LD produced school failure which, in turn, led to delinquent behavior (there was not sufficient information to determine which specific causal processes were the basis of this effect).

2. The findings supported the susceptibility hypothesis that some of the effects of LD on delinquent behavior occurred directly without being mediated by school failure. The results strongly suggested that characteristics associated with LD (i.e., inability to anticipate future consequences of actions) contributed directly to delinquent behavior.

3. The findings supported the differential arrest hypothesis. LD youths were more likely to have been arrested than their non-LD peers who reported committing offenses with equal frequency and seriousness.

4. The findings supported the differential adjudication hypothesis. When all factors were controlled statistically, the LD youths had a significantly higher probability of being officially adjuciated delinquent than did their non-LD peers.

5. LD was strongly related to official delinquency. The odds of being adjudicated delinquent were 220% greater for adolescents with learning disabilities than for their non-LD peers. (On a national measure 9 of every 100 adolescent males compared to 4 of every 100 non-LD adolescent males)

6. The incidence of LD in the adjudicated delinquent group was 32%. This indicates that a substantial proportion of official delinquents are handicapped with LD.

7. The greater delinquency of LD youths could not be attributed to sociodemographic characteristics.

8. As officially non-delinquent boys advance through their teens, those with LD experience greater increases in delinquent activities.

Finally, while only a relatively small proportion of the youth population is affected by LD, LD appears to be one of the important causes of delinquency.

(3) reporting a greater amount of delinquency compared to those reporting a lesser amount of delinquency.

The prevalence study sample was drawn from three metropolitan areas and included approximately 1,000 adjudicated delinquents and 1,000 youths with no record of adjudication. Thirty-two percent of the delinquent boys were found to be learning-disabled. Further data analysis showed that the learning-disabled boys were proportionately more likely to have been members of the officially delinquent group, even when controlling for age, social status, and ethnicity. "In fact, the rate of adjudication among learning-disabled youths is more than twice the rate of adjudication among non-learning-disabled youths" (p. 44).

Prevalence of Mentally Retarded Juveniles in the Juvenile Justice System

Morgan's national survey of the prevalence of handicaps in juvenile correctional institutions employed the definition of mental retardation proposed by the American Association on Mental Deficiency (Grossman, 1973:11). Morgan found that 9.5 percent of incarcerated juveniles are mentally retarded (including educable and trainable retardates) (Morgan, 1979:285), placing mental retardation as the third most prevalent handicap among incarcerated juveniles. Brown and Courtless report the same prevalence of mental retardation among adult inmates (Brown and Courtless, 1971:25).

The proportion of mentally retarded incarcerated offenders varies considerably according to geographical region for both adult and juvenile populations (Brown and Courtless, 1971:26; Morgan, 1979:284-285). For example, California and New York respectively identified two percent and three percent of incarcerated juveniles as mentally retarded (Morgan, 1979:284-285). At the other end of the range, Mississippi reported 32 percent of the incarcerated juveniles as retarded, Alabama 63 percent, and Delaware 70 percent. Brown and Courtless suggest these geographical variations are indicative of the effect of socio-cultural variables (Brown and Courtless, 1971:27). The variations in juvenile court structure and procedure (Stapleton, Aday, and Ito, 1982) may account for some of the geographical variation. That is, courts with more extensive pre-intake screening may divert a larger proportion of mentally retarded juveniles than courts with direct filing procedures. Similarly, the geographical variations may be due, in part, to State variations in resource availability outside the correctional system for handling mentally retarded juvenile offenders.

Estimating the prevalence of mental retardation among juvenile justice system clients is complicated because available estimates for the same States by different researchers are often inconsistent. For example, some researchers report lower percentage of mentally retarded juvenile offenders than those presented by Morgan. Hazeldine (1977) indicates only six percent of the clients within the Ohio Youth Commission Institutions had I.Q. scores below 70, compared to the 21 percent retardation reported by Morgan for Ohio. Haskins and Friel (1973a) reported that 13 percent of the juveniles committed to the Texas Youth Council were mentally retarded, compared to the 22 percent reported by Morgan for Texas.

Alternatively, the following estimates for Georgia and Tennessee are higher than those reported by Morgan for the same States. The Atlanta Association for Retarded Citizens reports, "An initial survey of the correctional institutions of Georgia showed that as high as 39 percent of the inmates could be classified as mentally retarded . . ." and in the juvenile centers, the percentage was 44 percent (Atlanta Association for Retarded Citizens, 1975:1). In contrast, Morgan reported that 22 percent of Georgia's incarcerated juveniles are mentally retarded (Morgan, 1979:284-285). The Juvenile Offender Project of Nashville indicates 37 percent of the boys sent to Tennessee correctional institutions score in the retarded range on intelligence tests, compared to 15 percent reported by Morgan for Tennessee (Juvenile Offender Project, Morgan, 1979:284-285).*

The difference in mental retardation figures reported by various researchers can be attributed, in part, to varying definitions of mental retardation. For example, the Atlanta Association for Retarded Citizens, whose estimate for Georgia was higher than Morgan's, defines retardation as having an I.Q. score below 80 (Atlanta Association for Retarded Citizens, Inc., 1975). This cut-off is 10 points higher than the score of 70 indicated by the American Association of Mental Deficiency definition employed by Morgan (1979). More individuals would be classified as mentally retarded with an I.Q. cut-off point of 80.

Browning discusses the effect of mental retardation definition on prevalence data (Browning, 1976:38). He compares the original (1961) and revised (1973) AAMD definitions which describe mental retardation requirements as being "subaverage intellectual functioning" and "significantly subaverage general functioning." The addition of "significantly" statistically changed the cut-off point for calling a person retarded from an I.Q. of approximately 80 to 85, to a relocated cut-off point of approximately 68 to 72. "With a single stroke of the pen, 80 percent of the persons whose intellectual level could be considered low enough to be labeled mentally retarded using the original definition can no longer be considered subaverage enough for the new definition" (Browning, 1976:38).

While Browning's statement suggests a sense of arbitrariness in defining mental retardation, redefining the I.Q. cut-off point can have a major impact. With regard to the juvenile justice system, where special services may be provided only for those labeled mentally retarded, the juveniles in the borderline range, who would have been considered retarded by the previous definition, lose access to beneficial services as they do not meet the new criteria for mental retardation.

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*Exact publication date unknown; however, between 1973 and 1976.

In addition to the variance caused by differing definitions, the variations in retardation estimates may be due to differences in sampling procedures and testing measures employed by the researchers. Despite definitional and sampling variations, the incidence of mental retardation among juvenile justice system clients is significant.

Over-Representation in the Juvenile Justice System

In contrast to Morgan's national estimate of 9.5 percent mental retardation among incarcerated juvenile offenders, Kaskowitz (using a similar defintion) reports only 2.3 percent mental retardation among the school-age general population (Morgan, 1979:285; Kaskowitz, 1977:32). The disproportionate number of mentally retarded juveniles in the justice system should not be misconstrued to indicate a causal link between mental retardation and delinquency. The following factors may account for the relatively high incidence of mentally retarded delinquents. First, retarded delinquents are more likely to be apprehended and found guilty of the offense (Berkman and Smith, 1979:61). They are less competent than non-retarded juveniles at avoiding detection, apprehension, and formal processing in the juvenile justice system. It has been suggested that mentally retarded clients frequently confess because of a desire to please (Hazeldine, 1977:14). While such behavior is common of juveniles in general, it appears to be more common among mentally retarded juveniles. In addition, Hazeldine suggests since many mentally retarded clients are from the lower income bracket (more so than juvenile delinquents in general) and cannot afford a private attorney, they may be more likely to be incarcerated. Furthermore, while non-retarded delinquents may be diverted to alternative programs, the lack of residential facilities or group homes for mentally retarded delinquents may contribute to the high incidence of retardates in juvenile correctional institutions (Hazeldine, 1977; Berkman and Smith, 1979). Finally, mentally retarded adjudicated delinquents are less likely to be placed on probation and more likely to be placed in a juvenile institution, thereby increasing their numbers in the justice system (Haskins and Friel, 1973c).

Summary - Major Issues

Surveying the prevalence or incidence of handicapped juveniles in the juvenile justice system was extremely difficult due to the lack of current reliable research literature; variations and biases in existing surveys; and because virtually no validated data exists where the prevalence of all handicapping conditions has been tested, measured and/or analyzed. However, it is becoming most obvious that the prevalence of handicapped juveniles in the juvenile justice system is significant and presents monumental complex problems that must be resolved. We cannot afford to continue to perpetuate this terrible waste of human resources.

Recommendations

The actual prevalence and nature of handicaps among juveniles referred to the court in various jurisdictions is incomplete because (1) a number of clients are diverted in the system; (2) others are awaiting testing; and (3) some are not receiving the kinds of intake services which allow accurate identification of specific handicaps. More importantly, it appears much of our efforts are directed to punitive or rehabilitation treatment resulting in treating the symptom rather than the problem. We must set up a method to systematically initiate early identification and intervention measures long before the at-risk child becomes an adolescent and penetrates the juvenile justice system. Definitions, operational criteria, and programs for each handicapping condition must be uniform across the country and between the systems (i.e., education, juvenile justice, mental health) which impact on the handicapped.

There must be better coordination of services between the systems to remedy the problem. Without clear legislation and policies designating responsibility for providing special services, agencies are able to avoid dealing with the complex task of providing quality services to this specific population. Specific laws, decisions, and policies must be made about which system or combination of systems are to be responsible and accountable for these juveniles. Until such acts occur, agencies will continue to avoid responsibility and handicapped juvenile offenders will be inadequately served.

If we are to believe our children are our future, then we must take positive steps to ensure our future.

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1976 Time Out: A National Study of Juvenile Correctional Programs. National Assessment of Juvenile Corrections. (Ann Arbor, Mich.: University of Michigan).

Mrs. **Boggs**. Thank you very much, Ms. Crawford. We are so grateful that we encroached upon you to survey the research that is available and I am sure that the entire question, the field, will be better for your having had us impose that chore upon you.

It is amazing how little information we really have and how conflicting it is. If you had not performed this major study for us, we would be further away from the goal you have just suggested that we should be able to pursue.

Mr. Anthony?

Mr. **Anthony**. Thank you. What I find interesting is through both your study of raw data, your extrapolation from that data, you have basically agreed with what the practitioners told us earlier today, based on what they see in their own time zone.

When you tie together all of those time zones, you suddenly start a nationwide picture. I think you have established something through your testimony today that is a challenge for this particular committee. We need to go back and look at whether or not there is something we can do on the Federal level, as you say, Ms. Crawford.

Do you realize that there are a lot of people in this country who think that the last thing the Federal Government needs to be doing is getting more involved in families? So, politically speaking, it won't be easy.

But, you have demonstrated a need, and that is the need for early detection. Once that detection is made, then early intervention is necessary to see that all resources are put together to work. In your case, you make a stronger underlying point—that there may be people that are suffering through the system, who we haven't even identified.

Ms. **Crawford**. And that is the tragedy there too. But I agree with you, Mr. Anthony. I realize that the stance I take is not too popular regarding, you know, a national role, but it has been my experience in the area of special education that you cannot look at a transient population, moving from State to State, and hope to serve them unless some way there is something done to come up with uniform policy and programs.

And it can't be done, you know, at the local level or State-by-State and done to the extent that we need to have it. There just has to be a major initiative that is launched on a national level.

Mr. **Austin**. Also about the intervention issue, early intervention. We have to be careful here about what type of intervention we are talking about and who is going to deliver it.

Again, one of the major things that I am trying to stress is that child abuse alone does not mean that the youth is going to become delinquent. There has to be some other things developing in his or her life.

The intervention can clearly happen most quickly and perhaps most effectively when the youth is in the early grade school. That is when you get to pick up signs of learning disabilities and school performance is bad, you have got an official history of child abuse, the parent is not disciplining the child properly. The schools know, I think.

In my judgment, the schools know who these children are, what these early warning signs are. When they get to juvenile court, then you have got these deep-end kids who are now age 13 to 15. Not only do they have this history of school problems and failure problems and child abuse, but now they are into drugs and they are into alcohol. And it is not just—it is a smorgasbord approach to drugs.

If you look at the pattern, they are trying everything. That is apparent and by the time they are 17, then it is hardcore alcoholism, it is heroin. But the farther you go, the later you wait to intervene, the more difficult. But also, you don't want to just develop a criteria that unnecessarily intervenes in kids who don't need.it.

It is a delicate balance and you need to be sensitive to it because that could cause some damage too.

Mr. ANTHONY. That is coupled with something that has clearly been shown here today. Too many people have to go through the criminal process before they are clearly identified as someone in need of the various support services we can provide.

Mr. AUSTIN. I can give you one example——

Mr. ANTHONY. That disturbs me a little bit also. It coincides so dramatically with my 10 years experience back home. I represented a five-county area in south Arkansas, and sometimes you could see this happening and you could make a prediction, I have had kids come into my office, and I have told their parents, "your kid is headed for juvenile court or adult court."

All the symptoms were there, and something needed to be done. But, there was no legal mechanism by which the government could intervene. All I could do was try to forcefully make that point to the child and his parents.

Unfortunately, many, many times within a few short months, I had the sad experience of saying, I told you so.

Mr. AUSTIN. It requires coordinated activities, not only at the Federal level, but at the local level too.

In the case of the Utah data that I presented, where we found that 50 percent of the kids incarcerated have an official history of child abuse. The juvenile court did not know that. We made a special effort and the special effort was to go across the hall to the social service agency and go through the files. That was the special effort to get that data.

That data is there. It exists. But those two agencies, the social service and juvenile court, are not talking. I assume education is not talking either.

Mr. ANTHONY. That was clearly borne out at one of our hearings held in Washington, DC, on another task force, chaired by Mr. Bill Lehman from Florida.

Your point was clearly brought out at that time, even though the hearing dealt strictly on child abuse. I would like to say to both of you, thanks. You have come a long way.

I understand that you are leaving and not going to stay for a little southern hospitality and that, I regret.

Mr. AUSTIN. Not me, I have been swayed.

Ms. CRAWFORD. I wish I could stay.

Mr. ANTHONY. Well, Dr. Austin and I will be able to partake of the Louisiana flavor.

I would like to say, not only to you two, but to the rest of the witnesses who are still here—I have attended many of these hearings and, as a whole, this group of witnesses, has been one of the very best that I have had an opportunity to listen to.

Hopefully, this public record will help us develop some legislative remedies. If we lack the expertise at this table, we have a staff supporting us, and they will be up late at night trying to develop some legislative solutions. They will probably have some proposals written by the time the plane touches down in Washington, DC.

I want to thank Ms. Boggs for giving us the opportunity to come to Louisiana to participate in the hearing. Although my witnesses from Arkansas were not able to personally appear, they have submitted written testimony.

Ms. CRAWFORD. Mrs. Boggs, I would like to make one additional comment before you wrap things up. And that is that I don't want to give the task force the impression that I feel everything has to be done only at the national level.

No, indeed, I don't mean that at all. Jim made some comments about that. I believe I at least alluded to the fact that it is absolutely essential that we look at doing something between the systems and that means from the local level, all the way up.

I do not want anybody to think that I think only things should be done at the national level.

Mrs. BOGGS. We understood that. It was simply the communication breakdown and the confusion of statistics and what is really taking place that concerns you very much and that so many children fell through the cracks and that some type of coordination has to be established.

I think that Dr. Austin referred to it, saying we really need a national clearinghouse, which is something that I have felt for a long time was necessary, starting many years ago, and suggested some child abuse legislation.

At one time we thought it should be in the national institutes of mental health and people became alarmed at that connotation. So we have struggled with this problem at the national level. It is good to have you both reinforce the fact that the federal role can be one of coordination, of pulling together, of trying to clarify some of the statistical information and gearing it in such a manner that it can be communicable to the various levels, private and public, throughout the country.

We are extraordinarily grateful to you all for having brought your considerable expertise to us and giving us this opportunity to pick your impeccably brilliant brains.

But one of the things that has been occurring to me all day is that we speak of children and of citizens and we speak of their inalienable rights, and it was so pleasing to have Judge McGee especially talk about it. Young people across cultural, racial and gender lines have these rights as well.

But I wonder if, by any chance, you find some escalation of incidences of difficulties among young females in your studies?

Mr. AUSTIN. All I can say about the female issue is that because of legislation that was passed at the Federal level and States which sought to deinstitutionalize status offenders, we have found on a national basis, based on the children in custody survey, which is a very rich source of information, which we have computerized, the number of women or females in institutions is decreasing.

They are not being arrested as often as they used to be. But we don't know where they are at. They have left the juvenile justice system almost in—not in record numbers, but they have gone down. And they are out there, I assume, with the same problems. And a lot of them may be going to these adolescent care units. They may be doing some other things.

But we do know that that has been one effect of the deinstitutionalization. Status offenders and women in particular have—are not as represented as they were in the juvenile court, before those bills were introduced and passed.

The other thing, in terms of a context thing, which is good news—I always like to leave legislative people with good news—that juvenile crime is down. It is down substantially and it is likely to continue to go down as the age population shrinks.

It gives us some time, I think, to put in some policies, some services, that we couldn't do before. That may be of value to us.

Mrs. Boggs. That is a very good point. And so it means that some of the programs are working and we should always remember that.

Mr. Austin. Some of the programs are working and also, I think, the family is—I am not sure that the family is getting that bad. Maybe it is getting better. I hope it is. But it is certainly getting smaller.

Mrs. Boggs. Well, I think that one of the recurring refrains through all of our hearings has been that parents are made and not born. Training should be made available and support systems should be available and counseling should be available so that there can be early intervention through an effort to bring the whole family into the process at a very early stage, hopefully from the time that they start their families.

I think that many of the parenting centers that we see—Sister Anthony has referred to one today that is here in town—are of vital importance. The Junior League has taken on responsibilities here in New Orleans as a major concern for this coming year, for a parenting center that is established within the context of Childrens' Hospital, so that it serves children that are not only emotionally disturbed or within the juvenile justice system, but those who have other handicaps or that need to know how to relate to the other children in the family who might be very ill and things of this sort.

I think we are going to find this emphasis more and more. I am very pleased to say that the Black Caucus in the Congress has taken as its major objective this year, the black family.

So, all of the indications are that we have come to some sort of full circle, with the dispersal of families, with the mobility of the people in the country, and of course the divorce rate and remarriage and so on. We have come now full circle to where people are trying to establish their family relationships, trying to establish new family units with a nontraditional setting. And I think it is very good.

Mr. Austin. One other—since you raised the issue of the black family, there is a very disturbing trend which is in our correctional facilities. As women have left juvenile court, juvenile facilities, the population has become increasingly black and Hispanic and at a very high rate. NCCD will be glad to present some detailed information based on children-in-custody surveys. But that is a major trend, both in juvenile facilities and in adult prisons. And it is a very disturbing trend.

Mrs. BOGGS. Yes. I had jotted that down when Ms. Crawford was talking about cultural variables and I was going to ask that question. I am very glad you brought it out.

Ms. CRAWFORD. Even the surveys that were done in the late 1970's indicated this same trend that you just described.

Mrs. BOGGS. Well, we are so grateful to you and to all of the witnesses and all of the support groups that have been here. To all of you who have submitted a written testimony, please know that it will become an integral part of our study and the study of our very excellent staff members.

I would like also to indicate our gratitude to the mayor and city council of New Orleans for the use of this facility.

The hearings are now concluded and we invite you to the Fair.

[Whereupon, at 3:50 p.m., the committee was adjourned.]

[Material submitted for inclusion in the record follows:]

EDITED TRANSCRIPT OF A SEMINAR HELD ON FEBRUARY 6, 1984, AT THE ABA MIDYEAR MEETING IN NEW ORLEANS

Good morning. My name is Howard Davidson and I direct the Young Lawyers Division National Legal Resource Center for Child Advocacy and Protection. The Resource Center is a program of the American Bar Association located in Washington, D.C. It's staffed by a number of full-time attorneys working exclusively on children's legal issues and serves as a clearinghouse and technical assistance center for the legal profession on matters relating to the welfare of children. We do a great deal of work on such subjects as child abuse and neglect, the problems of children in foster care, and child custody disputes (with particular emphasis on parental kidnapping and inter-jurisdictional child custody disputes). We are very involved with bar activation, an attempt to get lawyers at the state and local level more active in a pro bono capacity in protecting the interests of children in the court system. We also hope to be moving into new areas involving child welfare, such as child support enforcement, runaway youth and adoption issues.

I want to thank the Foundation for Children with Learning Disabilities for identifying Dr. Gottesman and making it possible for her to attend this morning's program. You'll hear more about the Foundation for Children with Learning Disabilities in a few minutes. It's a very important organization, and they're doing and suppporting a great deal of work in this field. I also want to formally thank a woman from Glenview, Illinois by the name of Gayle Evans. Gayle called me back before the first of the year and said, "What's the American Bar Association doing about children with learning disabilities?" I said, "That's a good question." Although I'm the Director of the Child Advocacy Program and have been a juvenile law attorney in Boston and worked quite a bit on legal issues affecting children with learning problems, to my knowledge the ABA had not been actively involved in this area. We have, however, published a monograph on special education issues. You have an extract of that in your materials this morning. But I don't believe that we have ever done a program on this topic. And we certainly don't have any kind of ABA policy in connection with learning disabled children.

When I asked Gayle what she thought we should do on this topic, she said, "Why don't you do a program at an ABA conference?" I mentioned that we had a midyear meeting coming up in New Orleans and she said, "I'll talk to people and come up with some ideas for you." She suggested that Judge McGee speak to you, and she put me in touch with the Foundation for Children with Learning Disabilities. So I owe her a debt of gratitude. She's only a private citizen, but extremenly interested in the subject of learning disabled children and the connection those children have with the juvenile justice system.

At this time, I would like to introduce, for a few brief comments, Brian Mahon from Connecticut who chairs the Young Lawyers Division Juvenile Justice Committee and is the Vice-Chair of the Child Advocacy Committee which oversees our Child Advocacy Center.

BRIAN MAHON:

Good morning. I'm happy to be here today and to have worked with Howard in the past. I thought you might be interested in what the Juvenile Justice Committee does. We are a separate committee from the Child Advocacy and Protection Committee of the Young Lawyers. However, many of our functions are the same. We're also interested in the juvenile offender and the juvenile's role within the court system.

At the present time, there is an ABA Committee reviewing the ABA's Juvenile Justice Standards and providing for the implementation of those standards. What our Committee is doing at this time is serving as a liaison between the Young Lawyers and the Senior Bar Committee in implementing those Standards. We are looking for input from attorneys both from the Senior Bar and the Young Lawyers so that at various Committee meetings we can express some ideas as to their proper implementation.

Our Committee is also involved in a limited way in providing educational programs for lawyers around the country. We are willing to come in, along with the Child Advocacy Committee, and provide programs for local bar associations, and we are prepared to speak on almost any subject involving the Juvenile Justice System. We have expert attorneys around the country upon whom we can call to provide these services.

HOWARD DAVIDSON:

Thanks, Brian. The Child Advocacy Center in Washington is a place that you should feel free to contact, to follow-up on this program. We're interested in your ideas about what the ABA could be doing in this area. And at the end of our presentation this morning, when we ask you for comments and questions, I would like you to respond to what you think the ABA could be doing. I hope this presentation is only the first step in a process where we get more involved in this particular subject area.

I also direct your attention to the very last page of your handout -- a list of Resource Center publications. Those should be helpful to you in any of the work that you do in the juvenile court system, the family court system, or in family law cases.

As Brian mentioned, we are available to give free technical assistance. We do a great deal of traveling and speaking at training programs, and we give small grants to state and local bar associations for child advocacy activities. So if any of you are affiliated with a state or local bar association that might be intersted in doing work in the Child Advocacy field, you should know that we have just announced a new bar grant competition in which we will be giving grants of up to $5,000 to individual bar associations. The application deadline is April 4, 1983. We are interested in finding new bar associations to set up pro bono programs to provide representation to children in the juvenile court system.

Let me now introduce our speakers. I'll introduce them all at once and then they will individually speak. Our first speaker will be Dr. Ruth Gottesman, who has been working with learning disabled children for over 20 years. She presently is the Chief of Psychoeducational Services of the Children's Evaluation and Rehabilitation Center of the Rose F. Kennedy Center, Albert Einstein College of Medicine, Bronx, New York. She's been in that capacity since 1977. She has her doctorate from the Teachers' College at Columbia Univesity. She also presently directs a training program for school personnel on learning disabilities. She is a professor and a board certified psychologist. She's written extensively in the subject area that she's going to be speaking about. And, most importantly to me, she clearly cares deeply not only for the children who have learning disabilities but for their families. She is particularly sensitive to the need to work with parents of learning disabled children, as well as to properly evaluate and provide treatment services to the children themselves.

Our second speaker will be the Honorable Thomas McGee who is the Chief Judge of the Jefferson Parish, Louisiana, Juvenile Court. Judge McGee is a graduate of the Tulane University School of Law. For a decade he was the First Assistant District Attorney for Jefferson Parish,and since 1974 he has been a full-time Juvenile Court Judge. Unfortunately, the way our juvenile justice system works, many juvenile court judges rotate in and out of juvenile court work or hear juvenile matters only as a small portion of their docket. However, since 1974 Judge McGee has only heard juvenile cases. And he's become very active in the Parish as well as active nationally with the National Council of Juvenile and Family Court Judges. And in particular, he has championed on a national basis the need for judges to become more involved and aware in the area of learning disabilities and the juvenile justice system. His own sensitivity to this issue comes both from his involvement on the bench as well as having a learning disabled child. He's been interviewed in one of the written materials that you have in your handout. I should tell you that both Dr. Gottesman and Judge McGee are very active with the Foundation for Children with Learning Disabilities in New York.

Our third speaker will be Brad Gater. Brad is a graduate of the Harvard Law School and is presently the Director and Supervising Attorney of the Tulane Juvenile Law Clinic, as well as a lecturer of law at Tulane Law School. He's been with the Juvenile Law Clinic since 1979. Before that, he was a staff attorney with Advocates for Juvenile Justice in New Orleans, and before that in private practice. He has been as involved with juvenile law issues over the last few years as any attorney I know in the country. He's been particularly active in a great deal of community work relating to serices for children in Louisiana. Community service, I believe, is a very important part of any lawyer's work related to children. Brad has also written a number of important papers, articles and manuals on the representation of children and has been concerned with how attorneys work with child welfare workers and agencies, as well as the interchange between the two professions. He has also been responsible for training a number of private attorneys who are going into juvenile court and representing children in that court. So he has played a very instrumental role in elevating the standards of juvenile court practice by attorneys, and that again is something that I admire.

Our first speaker this morning will be Dr. Gottesman, who will give you an overview of the learning disabled child and the provision of services to learning disabled children.

DR. RUTH GOTTESMAN:

The Foundation for Children with Learning Disabilities was founded in 1977 by Mrs. Pete Rozelle out of frustration as a parent seeking help for three learning disabled sons. Primary themes of the Foundation's work are public awareness and the sharing of information about learning disabilities. This meeting today is certainly in keeping with the Foundation's philosophy and policy.

Approximately 75% of all juvenile delinquents are learning disabled, according to recently published reports. It is important to understand the nature and effects of learning disabilities, not only to develop more appropriate programs of rehabilitation for those juvenile delinquents who are learning disabled, but also to provide early identification, diagnosis and educational support to all learning disabled children in order to reduce the risks of their becoming delinquent.

Learning disabilities are a group of disorders affecting a child's ability to acquire the proficiency expected of him in reading, writing, spelling, and arithmetic. These disorders occur in children of near average, average or above average intelligence. They are thought to be related to an impairment of the central nervous system, affecting the understanding and expression of language and the ability to interpret and integrate visual, auditory and tactile information.

For reasons not fully understood, many children with learning disabilities are also impulsive, show a lack of control, and exhibit a lack of reflection. Learning disabled children often have difficulty anticipating the consequences of an act and do not "look before they leap" or "think before they speak." Many learning disabled children are hyperactive -- constantly in motion and unable to sit still. In school they have great difficulty sitting at their desks, and they frequently fall out of their chairs or get up and walk around the classroom. Many learning disabled children are easily distracted from their work and are not able to concentrate or pay attention.

Learning disabled children often have difficulties interpreting facial expressions in much the same way that they have difficulty in reading words. They do not perceive annoyance or boredom reflected on a face. These children also misjudge how close to stand to another person, or how loud to talk. Often, they do not understand the subtleties in coversation, and because they misjudge what is said, they respond in an inappropriate manner.

For all of the reasons above, it is hard for many of these children to have friends. The difficulty in developing social skills can be even more devastating to learning disabled youngsters than problems in reading, writing and arithmetic.

Learning disabilities occur in 10% to 20% of the school age population and are found in five times as many boys as girls. They do not affect all children in the same way or with the same amount of impairment. One child may have difficulty only in spelling, while another child may have both reading and behavioral problems. While "learning disability" is a common term used to describe these children, other descriptive labels include dyslexia, specific reading disability, perceptual deficits, perceptual motor deficits, attentional deficit disorder and minimal brain dysfunction. A learning disability is an invisible handicap because learning disabled children are normal-looking children. Unfortunately, when they do not learn or behave as normal children, they are often misjudged as lazy, fresh, stupid or crazy.

The following examples illustrate some of the typical learning problems learning disabled children have:

Richard is a bright, personable second grader who has a good teacher. He is in excellent health and has not had excessive absences from school. He is a good athlete and excels in swimming. But he has confused b and d since the beginning of his school career. He still writes some of the alphabet letters and numbers backwards. He can read only a very few words, and when the teacher writes new words on the blackboard for the children to remember, Richard cannot learn them. He also cannot sound out the letters in words, although he has been taught these sounds many times. His father also had a reading problem and was diagnosed as dyslexic. Richard's teacher thinks that he too is dyslexic.

Joseph is a boy who is in third grade. He cannot sit still or concentrate on anything for more than a few minutes. He does not listen to his teacher and gets confused when she gives him directions. He acts immature and inappropriate for his age. His pediatrician says that he has an attentional deficit disorder with hyperactivity.

Angel is very clumsy and disorganized. He comes to school with his shirt on backwards and he sometimes puts his shoes on the wrong foot after gym class. At age eight he still cannot tie his shoes. He has difficulty cutting with a scissor or coloring within the line. What writing he does looks like chicken scratches. He has perceptual motor problems, according to the school psychologist.

Finally, there is Mary whose main problems seem to be in expressing herself and remembering what is said. She has trouble coming up with simple words such as "pencil" and "watch." She will say, "you know, the thing you write with" or "the thing you can tell time with." She pronounces the word "spaghetti" as "pasketti" and shows other similar errors in pronouncing words. The speech teacher says she has a language processing disorder.

All of these children have been diagnosed as learning disabled. All of these children are of normal intelligence and have had adequate teaching and a good background. None of these children have problems in vision or hearing, and none of these children are physically disabled or emotionally disturbed.

What is the origin of learning disabilities? Research has shown that learning disabilities cannot be attributed to a single cause. Genetic predisposition, adverse events during pregnancy and birth, illnesses and viruses are frequently cited as contributing factors. Some recent research has suggested that learning disabilities result from a biochemical imbalance affecting neurotransmitters that send sensory information to the brain.

Although it is difficult to pinpoint the causes of learning disabilities, it is possible to forestall their long range effects. Learning disabled children can be prevented from experiencing years of frustration and failure. They can learn to compensate for and live with their special problems. Parents and teachers can help these children establish and achieve meaningful academic and social goals so that they can attain a sense of fulfillment and self worth. These goals can be attained if these children are identified early, given appropriate schooling and have the support and understanding of their family.

It is essential that children with learning disabilities be identified early in their school years, properly evaluated, and provided with the special help they need to learn. The evaluation will determine if they need a smaller class, slower paced instruction, more repetition, and a different approach to learning reading and math skills. From the beginning, their school curriculum should be modified so that they can experience success. Conversely, if learning disabled children are not identified and evaluated early, they can quickly become frustrated, angry, and defeated. Appropriate attention in school to both their academic and social development is also vital. Learning disabled children, aside from having difficulties in reading and math, do not automatically learn how to tell time, make change or understand measurements. They have a difficult time in learning vocabulary, general information, and even the facts of life.

There are laws which entitle learning disabled children to receive appropriate education. Public Law 94-142, The Education for All Handicapped Children Act, entitles learning disabled children from age six through twenty-one to receive a free and appropriate education in the least restrictive environment, along with necessary supportive services. While this federal law is on the books, it is not always enforced. Many learning disabled children still slip through the cracks and do not receive the education that they are entitled to receive. In many school systems, there are inadequate educational programs for learning disabled adolescents. Learning disabled adolescents are often exposed to instruction which is overwhelmingly difficult or too simplistic. Seldom do academic programs take into account these students' talents, interests or abilities. Their teachers are often cruel, insensitive or just misinformed about them and often make their lives miserable. On the other hand, supportive, knowledgeable, understanding and competent teachers can make a significant difference in the lives of learning disabled youths by helping them not only in their achievement, but in their feelings about themselves and their ability to relate to others.

Schools must also provide vocational assessments, counseling and career education for learning disabled young people during the junior and senior high school years. These youths need extra help and support in determining appropriate goals for employment, further training or education. Planning in this area can help provide a place in society for learning disabled persons. Without planning or attention to vocational needs, a learning disabled young person can end up without any source of employment and without anything to do, putting him at great risk for antisocial behavior.

The understanding and support on the part of family can be a great source of strength of the learning disabled child. It is important for families to understand that their child has a learning disability and that his school problems are not the fault of his parents, his teachers, his friends, or himself. School personnel can play a major role in assisting the family to deal effectively with the child and help him with his school work. Learning disabled children, even more than other children, need their parents' love, understanding, support and encouragement. When they are misunderstood by their parents it is very painful for them, and it increases their sense of unworthiness and social isolation.

While preventing learning disabled children from becoming juvenile delinquents is of the highest priority, it is also of utmost importance to understand and help those learning disabled youth who are involved with the juvenile justice system. Many professionals in the field of juvenile delinquency have little knowledge about learning disabilities, thus causing inaccurate perceptions of and inappropriate recommendations for many of the youth they deal with. For example, a young man, recently on probation for armed robbery, was given the address of a special school to attend. He didn't go to the school, not because he was incalcitrant, but because he couldn't find his way. He couldn't read the street signs and had problems following any kind of oral direction because of a severe auditory memory deficit.

All professionals in the juvenile justice system should further be made aware of the frequency and nature of learning disabilities in the youth they see. Identification and diagnosis of learning disabilities in juvenile delinquents is essential to determine the best avenues for effective rehabilitation. It is important to determine relative strengths and weaknesses in intellectual, academic, interpersonal and behavioral areas in order to develop realistic and appropriate remedial programs. These include the teaching of survival skills in reading and math, vocational training which is in line with a youth's capabilities and interests, and attention to his development of constructive ways to enhance social relationships.

In conclusion, let me simply state that learning disabilities are usually life disabilities. However, while early identification of the problem is essential for optimal progress and adjustment, identification of the problem can be helpful at any stage of life.

HOWARD DAVIDSON:

Before Judge McGee speaks, let me give you one additional fact about him so that you'll understand where he's coming from when he talks. I understand that Judge McGee not only sits on the Juvenile Court bench but goes into the community and visits community facilities that serve kids. He visits residential institutions regularly and is not one of those lawyers and judges who sit in their ivory towers and just talk to people in their offices or in the courtroom. Judge McGee gets out and sees what's really happening in the world, what kinds of services are really being provided to these kids, and what the school boards are really doing.

We're going to talk more about that when Brad Gater speaks about legal advocacy, but I just wanted to mention Judge McGee's involvement, which is all too rare in the judiciary.

JUDGE THOMAS MCGEE:

Thank you, Howard, very much.

I find that one of the better ways to visit the facilities where you've placed kids is to walk in there on the weekend in your blue jeans and tee shirt and go find out exactly from the people who are working with the kids what's going on. After a while, by about noon, somebody will come up to you and say "what's that dirty old man doing out there?" Then they'll drag you into the administrator's office and you can tell them what you're doing.

The way I learned how to do this was after I first got on the bench. I called the Louisiana Training Institute System and said, "I'm Judge McGee ... I'd like to see your facilities." They said "fine, come on up here and see us." They gave me the regular weiners and beans lunch and told me how poor they were but what a good job they were doing. I got the real "treatment." That's not the way to see any facilities, public or private.

I want to get directly into learning disabilities, and I will tell you a little bit about my personal and professional involvement with this, but first I'd like to illustrate a point that learning disabilities are really perceptual problems. Down here we have a group of people that I love and that I've lived with for a long time. We refer to them affectionately as Cajuns. Cajuns have a special way of life. They have a special way of seeing things. For example, a Cajun spells his dog's name Fido, P-H-I-D-E-A-U-X. Now, this is not the way that we would normally spell it in our Anglo-Saxon community. But, at any rate, a friend of mine, by the name of Pierre, one of the Cajuns out in southwest Louisiana down around Golden Meadow, had a banker friend. Pierre had a very good bird dog, and the banker friend kept telling Pierre, "I want to go see Fido retrieve ducks someday." Pierre kept putting him off. Pierre put him off and put him off, so finally the banker called him in. He said, "I tell you what Pierre, either we go see Fido pick up ducks or I'll call your loan in." So Pierre said, "okay, next Saturday we'll go out." So they go out, and it's the banker and Pierre and Fido, and they're in the duck blind. And sure enough a duck comes over and Pierre shoots it and the duck falls down, and Fido goes "tippy, tippy, tippy, tippy" across the water, he actually walks on the water and picks the duck up, and then walks back to the blind with it. The banker looks at that and he says, "My God, Pierre I ain't never seen nothing like that." And about then, another bird comes over and they shoot it and it falls down. Sure enough, Fido goes "tippy, tippy, tippy," walks out over the water, picks the duck up and brings it back to the blind. And the banker says, "My God, I ain't never seed a dog like that, no Pierre." And Pierre says, "That's exactly why I didn't want you to come out here. I am so embarrased. I ain't never been able to taught that dog how to swim."

At any rate, this is something like the way we treat learning disabled kids. We're trying to teach them all of the wrong things. When you can walk on water, why the hell do you have to know how to swim? When you have all kinds of other talents, why do you have to know how to read in the same way everybody else reads.

I think of a kid that we had come through our court who we adjudicated delinquent. He also has severe learning disabilities. He was a big, tall black kid. One day I went over to our school — we in Jefferson Parish Juvenile Court run a school for kids we adjudicate as delinquents or status offenders. And a great number of those kids in there are, in fact, learning disabled kids.

I was looking at a sculpture of an elephant this kid had done. It was absolutely superb . . . it was wonderful. You could see the bone structure in the elephant, and I was asking him about it, and if he had ever had any formal instruction. The only instruction he had gotten was the little bit that we were able to give him over there at school with our art teacher. He hadn't been there too long, and I said "this is really magnificent! Where did you see the elephant?" He said, "over at the zoo." And he was really an angry kid. He said, "I went over to the zoo and I saw the elephant and I did this elephant, you know, like, what the hell, get off my back about this thing, you know."

So after a while people at the school were saying "you've got to see the great white shark that he does." Well, I'm an avid scuba diver, so I said I'd love to see his great white shark. They brought out this sculpture that the kid had done. And I said, "well, this is really magnificent," And it was! I told him, "not many men have seen a great white shark face-to-face and lived to tell about it." And he said, "I've seen one shark down at Grand Isle . . . and when you've seen one you've seen them all." And I said, "but where did you learn the different characteristics about the fins and everything? You've got the great white down to perfection." And he says, "well, I've seen a picture of it."

Now, here's a kid who is severely learning disabled. He's getting very little formal training, but he's obviously got these innate talents. These are things that can be converted not only to things that teach him or show him, but also to let him know his strengths and can be converted to things with which he can make a living. I guess my point is that too often we're not providing for the needs of these children. That's where I want to get into my talk about learning disabled kids.

I don't mean to ramble too much, but I wanted to bring out those couple of illustrations. I'm not a great believer in telling a lot of war stories because I think that can bore people, and you people don't need war stories, you generalize very well.

Let's assume for a moment that ten percent of the kids in any school system have some specific form of learning disability. I think Ruth has spelled out to you what we're talking about. We are not talking about retardation. We are not talking about specific hearing problems, specific eye problems, or emotional problems. Those things by definition are not included as learning disabilities. They may be and sometimes frequently are found in conjunction with learning disabilities. We're talking about a purely learning disabled child who does not have these other dysfunctions, but has such disabilities as dyslexia, dysalcola, dual dominance, closure, or sequential memory problems. These are all things that are now identifiable. These children, by definition, are of average or better than average intelligence. I have had kids in my court who approach genius I.Q.s but who are severely learning disabled and who are getting in trouble with the law.

Now, let's assume for a moment that the ten percent are out there somewhere. Well, in Jefferson Parish, and for the non-Cajun population, our Parish is equivalent to a large county. We have approximately seventy thousand kids in the public school system and another sixty thousand in our parochial school system, sc we're talking about a hundred thirty thousand kids, which is a fair number of kids.

In any event, let's assume for a moment we have properly thirteen thousand learning disabled kids out there that are not being provided for. In Jefferson Parish, even considering as good a school system as we have and as enlightened a school system as we have, we are just beginning to do training. From all that I can gather, the same situation exists in most of the country.

Now some people would say that I, as a judge, am not supposed to be an advocate. I, as a judge, am not supposed to be sitting here telling you that I think that we should form advocacy groups to represent these children, because I guess I'm fostering litigation which some might say is in contravention to the Code of Judicial Ethics. I don't know that that's really true, but I do know that I have an obligation when I recognize a problem to make the people in my profession aware of this problem and suggest to them some courses of action which might be taken.

The kids that we see in Juvenile Court are not the Nelson Rockefellers of the world. They're poor kids. Who are the most disenfranchised people that we can think of in life? They are children and the poor. When you combine the two, the combination is severe for the person that happens to fall in that group. No one, no politician, no legislator, no judge, no elected official is threatened politically by these people. Unless advocacy groups come in and speak for these people, and unless the judicial system takes on these people's causes and sees to it that they get what they need, no one will. The more affluent people are more fortunate in the sense that their children may be identified early, and they can financially provide for their needs directly through private agencies and individuals.

I will now go into a little bit of my personal situation, just to illustrate the difficulty that parents have in getting an identification, evaluation, and services provided for their child in the public school system. My daughter is thirteen years old. She is a very bright, beautiful vivacious, little girl. By bright I mean her I.Q. is 120 or so. She is considered bright-normal. She has a constellation of learning disabilities, and we have had her in private therapy ever since we discovered this, which was during her preschool years. She has dyslexia, dysalcola, dual dominance, closure and a sequential memory problem. She does not have hyperactivity, and thus her difficulties are not quite as apparent as they might be in some other cases. If you have a kid who's bouncing off the walls all of the time, then a parent or a school person could very well say, "Hey, we've got a problem here!" But if you have a person with only these other, more hidden disabilities, it's rather difficult to identify them.

At any rate, we were able to ascertain Paige's difficulties because when we were enrolling her in a private school her I.Q. was more than sufficient to meet this school's standards, but they believed that she might have some learning disabilities. Well, we said "what is a learning disability?" "Is this," I asked, "another euphemism for a dumb child?" They said no. And they tried to explain to us the nature of her specific learning disabilities. In any event, we chose to put Paige in one of the local Catholic schools, figuring that the nuns would possibly understand the problem. We quickly learned that they did not understand the problem Their solution was to tell her to study harder and pray harder and everything will come out alright. They simply didn't understand her needs.

We were extremely fortunate in having a friend in Dr. Harold Levy, a very knowledgeable pedicatrician in the field of learning disabilities. Harold has written a book, and I commend it to you, Square Pegs in Round Holes. Eventually we came to the conclusion that the public school system had the type of programs that Paigie needed. But they were all on paper. In theory it was all there. So every semester, I would go down and take the I.E.P. (Individualized Educational Plan) or get a new I.E.P., and we would sit down with the counselors and teachers. As a juvenile court judge in this Parish, I leaned on the school system as hard as I could, but I simply could not get the type of remedial education Paigie needed. I did not want to get my daughter in the middle of a legal hassle, and for that reason I didn't institute a legal proceeding. Maybe this is the reason that a lot of parents don't do that.

In any event, we continued to work with Paigie in private therapy. We continued to work with her in the public school system until they were no longer useful to her. Paigie is now in a private school with her brother, and she is doing extremely well. She's a well-adjusted child.

Now, let me get to the judicial system. We know that there is a definite connection between the learning disabled child and the child who is adjudicated a delinquent or a status offender. A learning disabled child is twice as prone to be adjudicated either a status offender or a delinquent. There are a lot of suppositions as to why this occurs. The conclusion that most people are coming to now is, and it makes sense, that if you have a child who by definition has average or better than average intelligence and that child is being told by his peers, teachers and parents every day of his life that he is a dummy, or that he is lazy or that he is this and that, then the child is going to start thinking that this is true. Their self-esteem is going to go down. They, in effect, are going to drop out. They're going to get away from this pain. They're going to go out and start associating with other kids who have similar problems or who may not have learning disabilities but who have dropped out for other reasons, and who are getting involved in the judicial system. They're more prone to get involved in delinquent acts. They're more prone to run away and become "status offenders." They're simply escaping the pain.

This is not so hard to understand. If anyone of us who go to our law firms every day or wherever we may work are told every day, "Hey, you're a dummy, you're incompetent, you're not a good lawyer, you can't do what you're supposed to do." And then we go to court and the judge tells us every day and in every case, "You're a dummy, you're no good, you can't do this." And then you come home and your spouse tells you that, "Hey, you're a complete failure. Don't you know you're a failure? Your associates have told you this at the office, the judge told you this, and now I'm telling you, you're a failure." Do you think any one of us sitting in this room could deal with that type of thing day in and day out?

In my opinion, and from both my experience on the bench and my personal experiences with my daughter, I have come to the conclusion that there's no way that we are going to change the system to require early identification, early evaluation and early remediation for these children without having advocates. And advocates in this country means lawyers and courts.

Now most of the people who get involved in public relations work and educational work are fearful of this because, I assume, they do not like conflict. We go into court and we have an adversary system. This makes most people nervous, but this is our way of life as lawyers. This is what we do for a living. We represent people in an adversary system.

I'm saying to you that I would like to simply point out and identify a group of people who sorely need our help, and those are the learning disabled children of this country. What I'm doing now is putting my "dog and pony show" on the road, if you will, trying to get juvenile court judges to realize that they have a key role in their communities to help accomplish this. Juvenile court judges must realize the problems and the fact that they can do something either judicially or extra-judicially about the problem.They can have an influence in their community and with their school systems.

It's all well and good for me as a juvenile court judge to recognize the fact that I have a thirteen year old learning disabled child before me who needs help but has already gotten in trouble with the law. This is much too late to help the child significantly. My argument to judges is: that's all well and good to be able to identify the learning disabled child that appears before you, but that should be the very minimum that you have to do. What you have to do is to require that your school systems identify early, evaluate early, and remediate early in order to accomplish prevention.

Now, how do we go about doing this in the judicial system? This will vary from jurisdiction to jurisdiction. Mr. Gater and I have talked this over. Some other advocacy groups have also considered this, and I am open for suggestions. I firmly believe that local juvenile court judges should take upon themselves this responsibility. I do not like the concept of a Federal Court coming in and saying to a local school system that so and so has to be done. And I also think that as a pragmatic matter, it is better to have a local juvenile court judge mediating a dispute between a local advocacy group and a local school system. It's going to have to be an ongoing situation, just like the civil rights movement was. As a matter of fact, the legislation that creates the right of children to an individualized educational plan is part of the civil rights movement. This is not a battle that we have to overcome. The legislation is clear. There's no doubt about that.

I think that what we have to have is a perennial advocacy system for these children, and I think it should be done at a local juvenile court level. A recent survey I conducted indicates that juvenile court judges are generally very remiss to go out and take on, if you will, a school system. This is again where I think we need advocacy groups. We need people to come in and say that "we are going to foster this cause, we understand the problem and we want you as the judge to start assuming your responsibility." I personally believe that it's clearly the juvenile court judge's responsibility.

Outside of relieving human misery, the cost-effectiveness of identifying and trying to solve a problem like this early can't be over-estimated. In the overall terms of problems to our society, to identify early, to evaluate early and to remediate early certainly makes sense. It's just like the criminal justice system. If you can prevent a problem before we have to start locking people up, it's a lot less costly. And I think it's absolutely criminal, and at the least malfeasant on our part, that we don't do everything we can to help these children as early as possible.

Thank you very much.

HOWARD DAVIDSON:

Thank you, Judge. Before Brad Gater talks about the practical advocacy implications of this and what we as attorneys can do, both in our individual capacity and as system people, I just wanted to add something to what Judge McGee and Dr. Gottesman have said.

There's been a focus here this morning on juvenile offenders and on status offenders, that is, children who are brought to court because they have run away from home or are alleged to be school truants or incorrigible or unruly children. But there's another population of children who come into the juvenile court system. A group of kids that I have worked with and about whom I've been doing a lot of reading over the last few years. These children may be equally affected by this problem, and they're very often younger children. They are children who come into court as alleged abused or neglected kids.

Now, you might say a child with a learning disability should be less likely to be abused or neglected by a parent. After all, isn't this a child who needs extra attention and love and care and who has tremendous needs? And wouldn't this be the child who gets the attention, while another child doesn't? Well, unfortunately, just the reverse has been proven true. A disproportional number of children who come into the court system or are identified by child protective agencies as abused and neglected have some handicap. Early studies of national child abuse data, going back to the late sixties, indicated that a large proportion of abused children had deviations in their functioning levels. Why is that? One expert in the field has speculated that essentially what happens is a mismatch between a parent's expectation of a child's performance and the child's abilities and the capability to relate to the parent. The child's actual performance may be deficient in the parent's eyes, and although the child doesn't cause or bring about the child abuse directly, he or she does play a role in the development of an abnormal parent-child relationship.

Essentially, these kids, particularly if they're "acting-out" children, and particularly if they're hyperactive kids at a very young age, place a great amount of stress on their parents. They frequently provoke negative responses from them. We all know that children like this need a lot of love. Well, some parents, particularly parents who are defective in their own ability to relate to children, have serious difficulty with this kind of child. Those who have worked with abused children see this as a major problem. So I believe that those of us who work in the juvenile court system or work with children in a legal capacity need to recognize that we're not just talking about the older child, the young adult, juvenile offender or runaway. We're also referring to the very young child who, if he or she does not have their learning disability properly diagnosed and treated at a very early age, may turn into a status offender, delinquent, or adult offender later in life. This speaks to the need for very early identification of these problems.

Too often, abused and neglected kids don't get any treatment. Their parents receive a lot of attention because everyone wants to try to rehabilitate an abusive parent. But often the needs of the children in these cases are neglected. And it's for that reason, by the way, that the Resource Center developed a special monograph entitled Special Education Advocacy for the Maltreated Child. You have an extract from that monograph in your handout. I wanted to bring this up because we have been focusing on "offenders", and I believe it is critical to consider the abused and neglected children who are learning disabled as well.

With that, Brad Gater will now talk about advocacy for learning disabled children from a legal perspective.

BRAD GATER:

It's safe to say that several things cannot be assumed about learning disabled children, which gives rise to a need for advocacy. First of all, we cannot assume that there is a knowledge of either learning disabilities themselves or the link between learning disabilities and delinquency, or offenses or behavior problems, on the part of either all or most judges, court personnel, probation officers, correctional personnel, or other institutional personnel. To some extent, we cannot also assume such knowledge on the part of a significant number of teachers and administrators within the school system. Certainly, we cannot assume this kind of knowledge on the part of all parents. And specifically, we cannot assume the child knows anything about learning disabilities. In fact, more often than not, the learning disabled child has erroneous assumptions through feedback from others and from his own frustrations with the school system, life in general, and, perhaps, the court system as well. The child will conclude either that he's a bad child, or that he's a dumb child, or both, and act accordingly. And he will be treated accordingly more often than not.

We cannot assume that all children, or even most children who are learning disabled, are going to be or have been properly identified as such. Even if the child's problem and the linkage with behavior is known, we cannot assume that there is knowledge of the measures that could be taken to either prevent or alleviate the problem. We cannot assume that resources exist to deal with the problem, either preventive or remedial. And last but not least, we cannot assume that the resources that do exist will be timely delivered to the child who is properly identified as learning disabled. Advocacy is badly needed to allow us to safely make such assumptions.

When we speak of advocacy, I think one of the first questions to ask is: Who should be the advocate? Who should be involved in advocacy? The answer is, anyone who's interested in problems connected with crime and in doing something about it obviously has an advocacy interest. To the extent that delivery of services to learning disabled children can prevent delinquency or status offenses, if it can assist in intervening in abuse and neglect problems within the family, then any individual should say, "I want to do something about this. What can I do?"

In the juvenile court system, advocates are traditionally lawyers, probation officers, and agency workers involved in abuse or neglect cases or the delivery of services to status offenders or delinquents. However, the most effective advocate within that system may be the parent; or, it may be the child himself or herself. When you get into the school system, who is the most effective advocate? If you've ever seen an irate parent, you know that a parent can be a very, very effective advocate. The advocate must understand what the nature of the problem is and be able to access the system to bring about the necessary services.

Advocacy on behalf of learning disabled children can arise in different contexts. Obviously, it can be undertaken within the educational system. More often though, at least in my experience, it begins only at the stage of actual judicial intervention by the juvenile court system. What happens there is often remedial. Status offenders and delinquents in many instances are children with learning disabilities who have not been helped. By the time they come to juvenile court you're really in a remedial stage. You're trying to undo a lot of damage that's already been done.

But as Howard pointed out, there's one category of kids where you can really get to at a preventive level: abused and neglected children. And, again, to emphasize what Howard said, too many times the focus is on the abusive parents. This is an excellent opportunity — when you have someone who's six months to a year, two years, or three years old — to identify those who have learning disabilities before they get into the educational system, and to begin taking steps to make the educational system a positive experience for them. Most children who are learning disabled and have been in the educational system very quickly become so frustrated with that system that they either opt out of it or simply and passively put in their time. Their frustration with this whole process spills over into all types of anti-social conduct, which eventually gets them in trouble with the law.

The advocacy that I'm speaking of is somewhat difficult: there are multiple systems involved. You have, of course, the juvenile court system. In addition to the courts, there is a system of public and private social service agencies that deliver services independently or as a result of the court intervention. Needs can be identified by the juvenile court, but those needs must be met by social service agencies — correctional, mental health, mental retardation, and other agencies. The third major system is the educational system.

To complicate the fact that multiple systems are involved, there are also multiple laws involved. You have the laws applying to juvenile courts: procedural and substantive laws relating to the children who can be brought before the court for adjudication and those for whom dispositional orders can be made to bring them services. But completely separate and apart are your state and federal laws pertaining to education, including what is called "special education." Since 1978, Public Law 94-142 has been in effect, passed by Congress in 1975. Although this law was passed in 1975 and there was an implementation date of 1978, in some instances the responsible authorities only began actual planning during the Summer of 1978 for implementation of this law in October of that year.

Now, just for those who are curious, I'll provide citations for this law: it's 20 U.S.C. 1401 _et seq._, with the implementing Federal regulations found in 45 C.F.R. 121a. As part of this there are also State implementation laws and regulations. Ideally, of course, the State law does nothing more than to carry out, to the best extent possible, the spirit and substance of the Federal law. In fact, we're talking about delivery of expensive services. Not withstanding the fact that early delivery of services in a preventive mode can result in extensive cost savings, in too many instances the budgetary process comes down to "Let's see how few services we can deliver because they cost money right now." As a result, many services are still not available.

Ideally, the educational system, as well as the juvenile court system, would identify the children who are learning disabled and deliver services at an early age to remediate existing problems or to prevent further problems. Realistically, however, by the time the juvenile court gets involved, most learning disabled children will arrive in that system without having been identified as such, or if they have been identified, they will not have received appropriate services. More often, the child has not only not been identified as learning disabled but has been misidentified. That child may have already been labelled as mentally retarded, culturally deprived, or emotionally disturbed. When the child's frustration gets to a certain point of behavior, or if hyperactivity, for example, is part of the learning disability, the easiest label to hang on the child is "emotionally disturbed," and the child is treated as emotionally disturbed. In fact, he may be emotionally disturbed, but that may not be the child's primary problem, or it may be the result of inappropriate intervention based upon misdiagnosis. The worst thing that happens is the child who is labelled as a bad kid or behavior problem is subject to being suspended, disciplined, or expelled -- cut entirely out of the educational services that he needs.

Just very briefly let me tell you what P.L. 94-142 is all about. It applies to "handicapped" children, with a whole list of problems that can bring a child under the purview of this law. One of these is, "having a specific learning disability." If the child has been labelled "emotionally disturbed," "mentally retarded," and so forth, you're still within the P.L 94-142 system. Those are covered by this law. The children who are appropriately identified as having one of the covered handicaps are entitled to a free and appropriate public education, as well as related services necessary to help the child benefit from the educational program. That can go so far as to mean that the public school system could have to pay for an expensive private institution or residential placement if necessary to the child's education. The public school system is, of course, unlikely to maintain a full range of regular school placements, special educational school placements and residential facilities to meet every type, degree or combination of problem, and thus it may have to contract outside the system and pay for services or residential placement outside the public school system.

The 94-142 process is relatively simple, at least in theory. First, someone has to identify the child as possibly being learning disabled, for example, and make a referral for further evaluation. At that point the parent is involved, theoretically, and must consent to the evaluation. The evaluation is done by a multidisciplinary team, including educators, a learning disability specialist, and others. As a result of the evaluation, a diagnosis is made of what problems the child has, if any, and what type of generic educational program should be delivered that is individually suited to this child's needs. Personally, I think it's a great approach, and it's unfortunate that it's limited to children with disabilities because I'm sure that any child would benefit from such an individualized educational plan.

After evaluation, an individual educational plan (or "IEP") is drawn up with the parent's participation and consent. The IEP identifies the specific problems, the general educational approaches to be used, and, specifically, classroom placement, services, and measures by which it can be determined whether the child is benefiting from the program. Periodically, the IEP is reviewed to determine progress under the plan, need for change, and so forth.

Coupled with all this is the parent's or school's right to contest any of the decisions along the way; either can ask for a due process hearing before an administrative hearing officer. The parent may say, "My child is not mentally retarded, only learning disabled." Or, conversely, and this happens all too often, the parent may say, "My child isn't learning disabled. Look, I know a dumb kid when I see one." It's sad. Incidentally, a teacher once asked me what to do with a parent who refuses to consent to an evaluation or refuses to admit that the child has a problem. Here we come full circle, right back into juvenile court. Most jursidictions list educational neglect as a legal basis for juvenile court intervention, and a parent who refuses to sign off on an educational plan that would give their child the benefit of the educational system is certainly neglecting his or her child. It's not just that the child wil make B's instead of A's -- it's much worse than that.

If the child is in an inappropriate placement, there's a great likelihood that he will end up not benefiting from school or not staying in school. The spill-over, the frustration-caused misbehavior, is going to take place at home, on the streets, in the school. It's like a railroad train leaving regularly for juvenile court, with a lot of kids on board.

The P.L. 94-142 process is a time-consuming and expensive process. There are very specific federal guidelines on the time which can be taken at each step, which may be too long. But the question has never really yet been whether the statutory time lines are too long, because rarely, if ever, have these time lines been met. The whole process should take place under the law within a period of several months. In fact, as alluded to earlier, in a large number of school systems there's a one year waiting list for an evaluation -- not for placement, but simply for initial evaluation. That is one advocacy need: there must be more evaluation facilities. Secondly, once evaluation is done, the statutory time lines are often not met in preparing the individualized educational plan. Beyond that, once there is an IEP the time lines are often not met on actually placing or delivering services to the child. There are too many instances in which the period from referral to actual appropriate placement or service may be one, two, three, or four years. When you start looking at the child's time sense in the context of individual development, adjustment to the educational system, and the adjustment of his attitude towards the educational system, two or three years is an eternity. By the time you finally have the planned program in place, you may need to change it because by this time the child has made all types of little negative adjustments along the way: there are behavior problems, he doesn't go to school, he's not happy, and he may end up playing video games because that's more fun than going to school.

In the juvenile court system, in every case involving child abuse or neglect, an attorney or a guardian ad litem should be appointed to represent the child. In delinquency cases, according to the U.S. Supreme Court, there should be an attorney for the child as well. It's as yet undecided in many states whether status offenders are entitled to a legal advocate. In fact, in many cases, although mandated by either court decision or by statute, attorneys are not in juvenile court representing the children. Furthermore, even more rarely are there attorneys in court representing the parents' interests, which are substantial. In juvenile court, if there are any attorneys representing private parties, it will likely be on behalf of the child. However, when you look at the P.L. 94-142 process, representation is really critically needed on behalf of the parent, because it is the parent that has the due process challenge rights, the right to take administrative appeals, and the right to go into either federal or state courts to contest decisions.

Unfortunately, very rarely is the court with final review over the educational process a juvenile court. So you may be involved in two or three court systems at once. This reveals one very important advocacy need: someone to advocate for the parents and the child in the educational process. If I were to put a listing in the phone book hidden as well as possible in the yellow pages, with only my name and just a little line identifying special education as one of the things that I handle, I'd probably have to turn away about a thousand parents a year. They are looking for attorneys to represent them, even though many parents can't afford attorneys. They get the runaround from the educational system; they need a knowledgeable advocate. The advocate doesn't have to be an attorney. Lay advocates can work quite well -- many special education parents' organizations, in fact, already perform advocacy roles. I might add that even though collecting fees from parents may be a problem, there are rights granted by federal statute in which court-awarded attorneys' fees may be possible under the civil rights and similar laws.

Let me get into some specific problems that arise in juvenile court. First of all, because there are separate evaluation processes there may be disagreement between the juvenile court's assessment of what the child's problem is, the way to address that problem, and what the school has done.

Usually, the disagreement will be in terms of the juvenile court identifying the problem and solution and then ordering action. Miraculously, the court then finds that the money for necessary services to the child is missing! Who's going to pay for them? In the educational system, the tendency is to deliver the services that are merely available rather than those that are most appropriate. Why? A child with multiple handicaps or even just multiple learning disabilities may require an individual educational plan that, if it's appropriate, would require one-on-one teaching for at least a short period of time. That is expensive, and with resistance to such expenses such services are unlikely to be normally available.

Judge McGee and I have discussed one major problem at length: How can the school system be brought under the jurisdiction of the juvenile court, which is a court of limited jurisdiction? Under Louisiana law, for example, the definition of a parent or one who can neglect a child is broad enough to encompass an agency which is legally obligated to provide an education for the child. Perhaps the "parent" school system is neglecting the child and can be brought into juvenile court on the basis of educational neglect.

Some additional practical problems: First of all, the parent has sign-off powers under P.L. 94-142, and therefore has a limited controlling role. But to use the language of P.L. 94-142 and the federal regulations, if the child is a ward of the state, the biological parent is no longer the individual with power to grant or deny consent. A "surrogate parent" has to be appointed by the school board, someone who doesn't have a conflict of interest and who will perform the role of parent. However, many school districts simply haven't found enough people to act as surrogate parents. The suggestion has been made that the guardian ad litem from juvenile court is the ideal individual to be the surrogate parent. There is much to be said for that, because one of the major problems is going to be coordination of the two different avenues of obtaining services.

The importance of P.L. 94-142 goes beyond its mechanism for evaluation. Consider a situation where the basic problem is unavailability of services once you've identified the problem and worked out an appropriate educational plan. The juvenile court may not have the resources; the state welfare department (or whatever the department is that delivers services to children who come before the court) may not have the resources. But the educational system is required to have the resources. This brings up another wrinkle: What do you do when you have two courts, two procedures and multiple state agencies trying to deliver services? The advocate may have to play a coordinating rule throughout, which can be a great but necessary headache. The most typical reaction is an epidemic of finger pointing. The state welfare or corrections department is supposed to be delivering services to adjudicated children, whereas the educational department is mandated to provide educational services to learning disabled children under P.L. 94-142. The educational department may point a finger at corrections and say, "No, the child's in the department of corrections." The department of corrections may say, "Yes, but we don't have the resources to do all this 94-142 stuff, so you had better go to the educational system." At some point it is necessary to simply bring everybody into one court and say, "Look, I don't care how you do it, do it." At some point the juvenile courts may have to be clearly given review authority over the educational process under P.L. 94-142.

Incidentally, one of the biggest deficiencies is within the correctional, mental health and mental retardation institutional systems. Although it's quite clear in federal legislation, some people seem to think that somehow children in correctional, psychiatric, residential care or similar institutions are excluded from the requirement of providing a free appropriate public education for the child. They are not. Children who are in these facilities obviously have the most need for this kind of individualized approach. Only gradually are correctional, mental health, and residential treatment agencies starting to realize that they too have a significant special education population whose needs must be addressed under law.

Let's look at one case example: a child was abused, adjudicated abused, and put in the custody of a state agency for placement in foster care. During the court process, she wasn't receiving any education at all. She had never been identified as being in need of special education. Everyone seemed to focus on psychological evaluations, which revealed that she had a very negative definition of herself. Referral was made for special education evaluations. Eventually, a tentative diagnosis of learning disability was made and we used that to obtain evaluation by the school system.

But which school system? As soon as one school system became involved, the child was placed by the state in a different school system -- which did not agree with the evaluation and planning process used in the first school system. It was decided to start from scratch. In the meanwhile, the child got into problems at school (where she was placed in a regular classroom with no special educational services) and was expelled. Incidentally, under P.L. 94-142, a change in educational placement requires a change in the IEP. Expelling a child has been held to be a change in placement. So a child should not be expelled if, under a revised IEP, she can be placed into a different class that is appropriate. The types of problems that cause a learning disabled child to be expelled can be seen as an indication that there was either something wrong with the educational plan, or that the teacher was not treating the behavior as simply being a part of her learning problems.

To top it all off, this child ended up in a mental institution which -- fortunately --, had its own internal school system and was in one hundred percent compliance with P.L. 94-142. It was probably the best thing that ever happened to this child. However, it took her two or three years before she ever really received any kind of coherent educational plan, with people -- lawyers, social workers, psychologists, psychiatrists and a judge -- hammering on doors for a period of years before her needs were met.

A surrogate parent should also be brought into the juvenile court process, either at the adjudication or dispositional stage, as well as in the review of dispositional orders. He or she should have a lot to say about the child's needs in addition to educational placement of the child. The court should also bring the teachers in. Almost everyone says "I don't have time to go to juvenile court. I have a job to do." Teachers certainly have a job to do, but that job should include coordination with the court system. Short of a subpoena, it is extremely difficult to get somebody from the school system to come into court, because educators tend to address things through their own internal processes and really don't understand the linkage between the court system and the educational system.

Let me briefly list the primary things that need to be done, in terms of advocacy, in addition to the very important individual advocacy for children. What can attorneys do? The first is the use of class advocacy in terms of litigation, as well as class advocacy in terms of nonlitigative issues such as assistance to citizens' or parents' groups. There is a necessity for the development of mechanisms for provision of counsel and advocates within the court system, provision of counsel and advocates in the educational system, and, possibly, the creation of some kind of coordinating group or resource that can help make the two systems work together. Further, there needs to be advocacy to create resources. It doesn't do any good to identify the child as having a certain need unless the necessary resources can be delivered. Although there are a lot of other good reasons, the "bottom line" argument is usually the one that wins, if it's going to win. I don't mean the "bottom line" argument that it's cost effective to deliver preventive services rather than remedial services. The "bottom line" argument that seems to be effective is a political one: Elected or appointed officials need to be informed that organized citizens form a political base and that there will be serious problems if appropriate educational services are not timely provided to learning disabled children.

The creation of legal resources in this field is essential. The procedural and substantive educational rights already exist. They are enforceable, but the parent is very rarely equipped to take on the educational system. School boards have attorneys, and school boards have the due process hearing system down pat. Parents may believe someone who informs them that it is impossible to accomplish some task within 30 days and that six months is more realistic. It may require an attorney to let the parent know that, regardless of how it is being done, there is an enforceable legal right to timely provision of services.

Schools have a tendency to abide by the law if there are attorneys involved. Child X will get exactly what child X wants, even if it's an extremely expensive private placement. If you have an ongoing legal advocacy system, then individual case advocacy can work, because the school system knows that every time an advocate is going to be there to take each individual case through the process. But such an advocacy system rarely exists at the present time.

Although P.L. 94-142 was enacted in 1975, and implemented in 1978, realistically it's going to take 20 years to make this system work smoothly, and therefore you need a group of advocates who are going to be around for 20 years. Just obtaining court orders is not enough; implementing court orders is a much more difficult thing than obtaining them in the first place. What is needed is class advocacy in terms of class litigation, to create school system rules that are in compliance with federal law, and to force creation of a full range of necessary educational resources. It will be necessary to have contractual agreements between the educational system, correctional system and other institutional systems, as well as private providers if need be.

This has all been attempted in different areas of the country. My guess is that by the time we come close to significant compliance with the federal law, the state and local school boards will have managed to lobby through changes to emasculate the entitlements. Why? Not on any programmatic grounds that Public Law 94-142 is a bad law. I think most education professionals would say if it's really followed, it's a very good program.

Some parents are lobbying against P.L. 94-142, which is interesting. Why? Misinformation. For example, the law requires that a child must be placed in the least restrictive appropriate placement for educational purposes. This can be interpreted by the schools to mean that the least restrictive available placement is either an institution for mentally retarded children that has available classroom space or, alternatively, placement in a "regular" class with no special educational resources, which is less restrictive. But neither may be "appropriate."

So one of the biggest advocacy needs is to educate parents, educators, courts, state agencies and, especially, politicians who control the budget as to what P.L. 94-142 means. Such advocacy has important implications for the juvenile court system and for effectively addressing the pressing problems of juvenile and adult crime, anti-social behavior, and deficiencies in our educational systems.

RESOLUTION OF THE HOUSE OF DELEGATES
OF THE
AMERICAN BAR ASSOCIATION
ADOPTED AUGUST, 1983

BE IT RESOLVED, That the American Bar Association, recognizing that there is a correlation between children who suffer from the handicap of a learning disability and children who are involved in the juvenile justice and child welfare systems, encourages individual attorneys, judges, and state and local bar associations to work more actively within the juvenile and family court system, as well as their communities, to improve the handling of cases involving children with learning disabilities. Specifically, individuals and bar associations should be involved in legal and judicial education programs related to this topic, further research, improvements in legislation, and procedural guidelines for courts and agencies serving these children. In conjunction with such efforts, attorneys should participate in multidisciplinary programs and other interactive community and academic activities, along with school boards, courts, civic organizations, and other concerned professional groups, to help increase the availability of special remediation and rehabilitation services for learning disabled children.

THE RECOMMENDATION OF CAROLYN B. LAMM, CHAIRPERSON, ABA YOUNG LAWYERS DIVISION, ON CHILDREN WITH LEARNING DISABILITIES

At the February, 1983 Association Midyear Meeting, the subject of the involvement of learning disabled children in the juvenile justice system was discussed by a panel of experts at a program sponsored by the Young Lawyers Division's National Legal Resource Center for Child Advocacy and Protection. Children with learning disabilities (an estimated 10-20 percent of all schoolage children) have near average, average or above average intelligence, but they possess some disorder in the basic process of understanding or using spoken or written language. These children's disabilities may manifest themselves through disorders in listening, thinking, talking, reading, writing, or arithmetic. Many of these young people are improperly labelled as ignorant, retarded or lazy, and they face rejection by parents, school teachers and others. They are likely to feel that they are failures, and many are impulsive or hyperactive, lack control or the ability to reflect, have poor attention spans, and become extremely angry and frustrated.[1]

Several studies have concluded that there is a definite link (or causal factor) between children who are learning disabled and those young people who are involved in the juvenile justice system.[2] Several authorities have suggested that the existence of learning disabilities be considered as a defense or mitigating circumstance in certain delinquency or juvenile status offense cases.[3] It has also been strongly recommended that special education programs be available to these children.[4] A federal law presently exists which is intended to assure that learning disabled children receive appropriate educational services, but many children still fail to obtain these benefits, despite the federal mandate.[5]

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[1] "Learning Disability - The Young Offender's Curse." 69 ABA Journal 427 (April, 1983).

[2] See, e.g., McCullough, B. Claire, Zaremba, Barbara A. and Rich, William D. "The Role of the Juvenile Justice System in the Link between Learning Disabilitites and Delinquency." State Court Journal, 1979, 3, (2) 24-26, 44-47.

[3] Post, Charles H. "The Link Between Learning Disabilities and Juvenile Delinquency: Cause, Effect and 'Present Solutions'" Juvenile and Family Court Journal, February-March 1981, 58; Interview with the Hon. Thomas P. McGee, "Juvenile Court Judge Advocates Special Treatment for LD Juvenile Delinquents." Their World (Journal of the Foundation for Children with Learning Disabilities), January 1982, 72.

[4] Section 4.2163, Standards for the Administration of Juvenile Justice, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, July 1980.

Results of special remediation programs conducted for learning disabled children have shown the success of these programs in preventing children from committing delinquent acts or in controlling future delinquency.[6] Material has also been produced to aid attorneys and judges who might become professionally involved with such young people in dealing sensitively with learning disabled youths in the court, and to implement the federal Education for All Handicapped Children Act of 1975 (P.L. 94-142).[7]

The legal profession in particular has been encouraged to gain a better understanding of the needs of children involved in our juvenile and family court systems and to become more effective advocates to assure that they receive needed services.[8] This RECOMMENDATION carries this general guideline one step further, and it urges a more specific knowledge and involvement by attorneys and bar groups on these issues.

Respectfully submitted,

Carolyn B. Lamm
Chairperson, Young
Lawyers Division

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[5] Pub. L. 94-142, codified at 20 U.S.C. 1401 et seq., "Education for All Handicapped Children Act"; Report of the Commission on the Financing of a Free and Appropriate Education for Special Needs Children, Research for Better Schools (March 1983); Disparities Still Exist in Who Gets Special Education, Report of the U.S. General Accounting Office, I.P.E. - 81-1 (January 1982).

[6] Project Summary, A Study Investigating the Link Between Learning Disabilities and Juvenile Delinquency, Association for Children with Learning Disabilities (1982).

[7] Learning Disabilities and Juvenile Delinquency - A Handbook for Court Personnel, Judges and Attorneys, National Center for State Courts (November 1979).

[8] Juvenile Justice Standards, Institute of Judicial Administration/American Bar Association Joint Commission on Juvenile Justice Standards, Approved by the Association in 1979, Standards Relating to Counsel for Private Parties, Standard 1.7, Standards Relating to Disposition, Standard 1.1.

PREPARED STATEMENT OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, UNIVERSITY OF NEVADA, RENO, NV

DESCRIPTION OF THE PROBLEM

The problem of abused and neglected children drifting in foster care is enormous. Nationwide, there are more than three-hundred thousand (300,000) children currently living in foster care at a cost to the taxpayer of well over two billion dollars ($2,000,000,000) per year. Many of these children linger in costly foster care placements because the procedures within our social service agencies and courts fail to expedite permanent placement. They spend their early years drifting from foster home to foster home growing up without family ties.

Research at both the state and national levels indicates that abuse and neglect lead to aggressive, anti-social behavior and delinquency. Yet numerous studies also conclude that a strong, stable family can help prevent foster children from becoming juvenile deliquents. Our efforts to protect abused and neglected children have frequently created a foster care maze, with social service systems and judicial systems working at cross purposes. When this occurs, we essentially replace parental neglect with governmental neglect.

Exacerbating the problems resulting from separation from the family and the number of years a child may be in care, is the fact that children in court-ordered, out-of-home care are often moved from place to place. The lack of permanence and opportunity to form an attachment with one committed adult effects the development of a child, can lead to anxiety and resentment, and can result in disruptive or delinquent behavior.[1]

Once a court-ordered, out-of-home placement has occurred, a dependent child may fail to attract the regular, timely judicial review and social service case planning required to encourage rehabilitation of the biological family or the termination of parental rights necessary to free the child for adoption.

Unfortunately, placement in itself is too often misconstrued as treatment. Yet we know that extricating children from the child welfare system is much more difficult than the initial

[1] Prison Study, by Susan Hale and Carol Stitt, supplement to "And How Are the Children?", First annual report of the Nebraska State Foster Care Review Board, State of Nebraska, February 1984.

placement....A child, shifted from one foster home to another, becomes emotionally distressed by this instability over and above the trauma of separation from his or her own family. Residential treatment is recommended, often far from the child's home community, and ultimately the child, perhaps now a youth, turns on others as a deliquent or on self as a mental patient and is at high ris' for suicide, given the staggering adolescent suicide rate.[2]

In response to the problem of children drifting in foster care without resolution of their ultimate living conditions, the United States Congress enacted Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980. The Act directs federal fiscal incentives toward alternatives to placement and provides protections for children to help ensure that they receive permanent homes in a timely fashion.

Public Law 96-272 calls for several specific reforms, designed to reduce the misuse of foster care, including:

--Improved preventive services to avoid unnecessary out-of-home placement;

--Efficient case planning and enhanced efforts to reunify families;

--An inventory of all children in foster care so that the state knows the location of each child and the status of his case;

--A system of case review, which includes a semi-annual hearing by a court or an administrative body.

The Act is also structured to increase the court's role in review and monitoring of children in foster care by:

--Increasing judicial scrutiny of the removal of children from their homes,

--Assuring court monitoring of foster care cases,

--Increasing procedural safeguards for children and their parents, and

--Encouraging better communication and coordination between courts and child welfare agencies.

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[2] Exploring the relationship between Child Abuse and Delinquency, edited by Rober J. Hunner and Yvonne Elder Walker, Allanheld, Osmun & co., inc., 1981.

IMPORTANT REFORMS IN SOCIAL, JUDICIAL SYSTEMS

Public Law 96-272 calls for important reforms in our social service and judicial systems but any law is only as good as its application. Many states require additional information and assistance to effectively implement permanency planning. Judges, legislators, social welfare administrators and lay child advocates in states and communities throughout the country may want to make permanency planning work for their parentless children, but they often lack the know-how to get the job done. Without proper information, technical assistance and training, the spirit and intent of Public Law 96-272 will not be realized and many children will continue to be denied their right to permanent families.

THE NCJFCJ PERMANENCY PLANNING PROJECT

The National Council of Juvenile and Family Court Judges, founded in 1937, is a national professional membership organization of more than 2,500 judges with juvenile and family law jurisdiction, court-related personnel and decision-makers in the juvenile justice system. The Council's National College of Juvenile Justice is located on the University of Nevada-Reno campus. NCJFCJ is supported through grants and contributions from various federal agencies, project and general support grants from private foundations, businesses, individuals, membership dues and publications income.

The Permanency Planning Project has been, and continues to be, generously funded by the Edna McConnell Clark Foundation of New York, with additional funding for intensive training and implementation in Missouri from several private sector donors led by the Danforth Foundation of Saint Louis. Recently, the U.S. Department of Health and Human Services provided additional funding to enable the NCJFCJ to bring the program to three additional states.

The NCJFCJ Permanency Planning Project is structured to help judges, legislators, social workers and lay child advocates work toward changes in law, policy and practice, which will help ensure permanent homes for abused and neglected children.

The Permanency Planning Project provides information, technical assistance and training on how to:

--Develop state law, court rules and agency regulations, which implement permanency planning and judicial review of children in placement;

--Improve early judicial screening of cases to avoid unnecessary out-of-home placement;

--Establish and use home-based preventive services prior to out-of-home placement and the unification services designed to rehabilitate and reunite families;

--Use dispositional proceedings to develop goal-oriented, time-limited treatment plans and facilitate continued parent/child contacts;

--Use judicial or court appointed third-party review proceedings to reduce the number of children drifting in foster care;

--Secure permanent homes for children who cannot be returned to their biological parents through termination of parental rights and adoption or guardianship;

--Improve communication and cooperation between the judicial, executive and legislative branches of government;

--Use citizen volunteers as court-appointed special advocates or as foster care review board members to aid the court in finding permanent homes for children and

--Provide speedy review of abuse, neglect and termination of parental rights cases on appeal.

PREVENTION FIRST STEP IN PERMANENCY PLANNING

The first step in permanency planning is preventing unnecessary placement of children in foster care and ensuring services to reunite natural families who have become separated. Judges, lawyers and social workers can benefit from training on new developments in preventive and reunification services practice and law.

The NCJFCJ Permanency Planning Project is working with the National Resource Center on Family Based Services at the University of Iowa, School of Social Work; and other allied agencies to develop materials on preventive and reunification services for dissemination to judges and other key people.

Training, relative to the court's role in implementing family-centered services, is a part of the National College of Juvenile Justice training programs and State training programs for judges, court and social welfare managerial personnel, state legislators and other key actors in the field. We provide technical assistance and training on preventive and reunification services centering on:

--How to improve early judicial screening of cases to avoid unnecessary out-of-home placements, and

--How to develop and implement home-based preventive services prior to out-of-home placement, and reunification services designed to rehabilitate and reunite natural families.

JUDICIAL TRAINING A TIMELY CONCEPT

Judicial training regarding preventive and reunification services is a timely concept due to the Public Law 96-272 requirement that, after October 1, 1983, there must be a judicial determination in each case prior to removal; that the agency has made reasonable efforts to prevent or correct the need to remove the child; and that it was thereafter determined not in the child's welfare to remain at home. Case plans, which assure that the services will be provided to parents, children and foster parents to improve conditions in the parent's home and facilitate return of the child, are also required.

While Public Law 96-272 and numerous state statutes require judicial review of children in placement, the laws do not address how to structure review hearings. The NCJFCJ Judicial Review of Children in Placement Deskbook provides clear guidelines for conducting review hearings and outlines the procedural and substantive matters to be considered on review. During the past two years, the Permanency Planning Project has distributed over one thousand (1,000) copies of the Deskbook to judges, attorneys, legislators, social workers and lay child advocates throughout the country. Comments regarding the value and usefulness of the Deskbook have been uniformly positive. The project currently receives several requests each week for the Deskbook and for permission to duplicate the publication. The Judicial

Review of Children in Placement Deskbook is an indispensable manual for judges and other persons involved in case review.

Since 1969, the National Council, through is training division, the National College of Juvenile Justice, has reached more than forty thousand juvenile justice professionals and volunteers through an average of forty (40) national, regional and state training sessions a year.

MEETING THE INCREASED DEMAND

Permanency planning lectures at National College of Juvenile Justice training seminars have been expanded to meet the increased demand for information on Public Law 96-272, judicial review of children in placement and related topics. Presentations by national experts in the field focus on "how-to" implement changes in law, policy and practice, which will help ensure that children are returned to their biological families or freed for adoption when reunification is impossible. Participants attending NCJJ training programs also receive the Judicial Review of Children in Placement Deskbook.

The NCJFCJ Permanency Planning Project also functions as a national information clearinghouse on issues related to permanency planning. Judges, attorneys, social workers, legislators and lay child advocates throughout the country turn to the National Council as a resource for information on "how-to" implement Public Law 96-272.

During the past twelve (12) months the Project has answered requests for information, technical assistance and training from thirty-eight (38) states and the National Council is directly involved in working with the following organizations:

--The U.S. Department of Health and Human Services, office of Children, youth and Families:

--The Child Welfare League of America;

--The North American Council on Adoptable Children;

--The American Bar Association

--The American Public Welfare Association

--The National Child Welfare Leadership Center;

--The Children's Defense Fund;

--The National Court Appointed Special Advocate Association;

--The National Association of Review System;

--The National Council of Jewish Women;

--The National Center for Family Based Services; and

--The National Conference of State Legislatures

A PLACE FOR CITIZEN REVIEW

When crowded dockets or heavy caseloads prohibit judicial review of children in placement, the National Council recommends using Court Appointed Foster Care Review Boards. While there is no substitute for direct court involvement, Citizen Review Boards appointed by the court can be helpful in the review process. Review Boards are particularly useful in urban areas where there are thousands of children in foster care and the sheer volume of cases makes judicial review difficult.

The purpose of a court-appointed board is to review the cases of children in foster care periodically and submit its findings and recommendations to the court. Any findings or recommendations of a review board are advisory in nature and must be submitted to the court usually within thirty (30) days of the review hearings.

The presiding juvenile court judge in each county or circuit appoints review board members; each board usually has three to five members, who serve for one-(1) to three-(3) year terms. It is essential that review boards are independent citizen volunteers and that persons appointed to foster care review boards receive comprehensive training.

The National Council also actively supports the development of Court Appointed Special Advocate programs. Court-appointed special advocates, lay guardians ad litem, appointed to monitor children in placement, serve as the eyes and ears of the court and help ensure that children do not get lost in foster care.

The Court Appointed Citizen Review Board and Court Appointed Special Advocate programs have successfully demonstrated the utility of using interested and concerned citizens in an influential way to promote the interests of dependent children.

The problem of abused and neglected children lingering in foster care, belongs to all three branches of government. Child welfare issues are not always given the priority they deserve in state legislatures. Services and reforms are frequently mandated without sufficient funding for implementation. Many judges feel that they lack the support services required for permanency planning and this is related to funding problems at the state level.

Coordinating the efforts of executive, judicial and legislative initiatives for children is essential. State legislators play an important role in defining and shaping the service-delivery system for children and their families. They must be involved in developing strategies to implement permanency planning. The Permanency Planning Project and the National Conference of State Legislatures are working together to help legislators address issues related to the shifting fiscal and political responsibility for children and youth programs.

The NCJFCJ Permanency Planning Project has answered formal requests for intensive in-state technical assistance and training from California, Georgia, Louisiana, Massachusetts, Michigan, Missouri, New Jersey and Ohio. Criteria for selecting Project "lead states" include a commitment for judges, social service administrators and legislators who are interested in working toward changes in law, policy and practice, which will help ensure permanent homes for the state's parentless children.

RESULTS SHOWN

The project is beginning to provide dramatic positive results as the following statistics from the State of Missouri show:

	Dec. 1982	Aug. 1983
Temporary Adoptive Placement	470	543
Finalized Adoptive Placement	330	480
Long-term Foster Care	1,342	901
Temporary Foster Care	3,080	2,872
Aftercare--Children Returned to Natural Home Under Court Supervision	1,647	2,087
Independent living	59	58

It is important to note that the number of cases of long-term foster care were increasing every month in Missouri before the Permanency Planning Project was put into place. That means the project, in addition to lowering existing statistics in this category, also reversed an unfavorable trend. The significant increase in Adoptive Placement is also notable.

The value of State Supreme Court involvement in developing a state-wide strategy for implementing permanency planning, has been demonstrated by the Missouri Supreme Court Task Force on Permanency Planning for Abused and Neglected Children and the Michigan Supreme Sourt Interdisciplinary Permanency Planning Committee.

Supreme Court involvement in Michigan and Missouri has made permanency planning a state-wide priority and provided the clout to implement tangible and lasting improvements, which help ensure permanent homes for children.

STATE SUPREME COURT LEADERSHIP

Supreme Court involvement has also encouraged top-management commitment from the executive and legislative branches of government. The accomplishments in Missouri and Michigan are examples of what can be achieved when the Supreme Court plays an active role in implementing permanency planning. Both groups offer models for judicial leadership which must be replicated in other states if we are to maximize the benefits of foster care review.

The issues involved in appeals of juvenile court orders terminating parental rights, resolving custodial conflicts and adjusting the right of children to permanence, are among the most volatile and difficult faced by appellate court judges. State statutes which implement Public Law 96-272 and call for judicial review of children in placement, have resulted in a substantial increase in the number of child custody cases appealed. Many appellate judges do not have juvenile court experience and are not familiar with the problem of abused and neglected children drifting in foster care. Training which examines the problem as it relates to the appellate court, is essential to ensure permanent homes for children in a timely fashion.

The NCJFCJ Appellate Judge Permanency Planning Training Project is working with other national organizations to plan and provide training on issues related to permanency planning exclusively for appellate court judges. The American Bar Association, Judicial Administration Division, Appellate Court Section, Education Committee; the Conference of Chief Justices; the National Center for State Courts; are involved in a cooperative effort in this regard. During the next two years, the NCJFCJ Appellate Judge Permanency Planning Training Project will reach over five hundred (500) appellate court judges.

For the past ten (10) years, the NCJFCJ has been actively involved in providing training and technical assistance to help states implement judicial review of children in placement and permanency planning. The National Council also helped draft and supported the enactment of Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980.

The NCJFCJ strongly recommends court review of children in placement. Judges are the ultimate decision-makers for abused and neglected children. They have the authority and duty to make sure that children do not enter foster care unnecessarily or get lost in the foster care system. Court review ensures due process and provides the structure for goal-oriented, time-limited decision making. The value of active judicial support for implementation of the Adoption Assistance and Child Welfare Act of 1980 "Public Law 96-272" and permanency planning, cannot be overstated.

PREPARED STATEMENT OF INGO KEILITZ, DIRECTOR, INSTITUTE ON MENTAL DISABILITY AND THE LAW, NATIONAL CENTER FOR STATE COURTS, AND RICHARD VAN DUIZEND, SENIOR STAFF ATTORNEY, NATIONAL CENTER FOR STATE COURTS

Madam Chairwoman, Members of the Task Force

We greatly appreciate this opportunity to present observations and findings concerning the prevalence of children with special needs and the problems they present. In submitting this statement, we are speaking for ourselves and not as representatives of the National Center for State Courts nor of any of the organizations which it serves. Much of the research on which this statement is based, however, was conducted by the National Center for State Courts under grants from the National Institute for Juvenile Justice and Delinquency Prevention.

There is a group of children in this country who require the special attention and resources of a plethora of government agencies. Not only do these children depend heavily upon our system of public education, but they are also more likely than most young people to come to the attention of child welfare, social services, mental health/mental retardation services, law enforcement and corrections agencies, and the courts. We are speaking, of course, of children with learning disabilities or with developmental disabilities. Although we cannot with any degree of certainty specify exactly how many such children there are in the United States, as will be discussed in more detail below, it is evident that such children are overly represented in our juvenile correctional facilities and among children who are neglected or abused. Because their needs lie on the borders of the responsibilities of multiple government agencies, they may both draw on a substantial amount of public resources and fall through the cracks in terms of having their needs addressed.

How Many Special Needs Children Are There?

A study published in 1973, estimated that 10.6 percent of American youth had some handicapping condition (Dunn, 1973). Dunn estimated that approximately 2.3 percent of the student population was mentally retarded (cf. Dennis, 1975), and only 1.5 percent had specific learning disabilities. A subsequent study by Dunivant (1982) suggests that learning disabilities may be far more widespread. In a cross-sectional study of teenage boys in Baltimore, Indianapolis and Phoenix, 26 percent were classified as learning disabled. The sample of boys used was almost equally divided between those who had and those who had not been adjudicated delinquent (Dunivant, 1982, pp. 9-10). A subsample of the non-adjudicated boys was selected for longitudinal study. Of this subsample, 16 percent tested as being learning disabled (*id.* at 13).

Even accepting Dunivant's higher estimate of the incidence of learning disabled children, it appears that children with special needs are overly represented in the population of juvenile correctional institutions. For example, Dennis (1975) found that 9 percent of the boys in Tennessee juvenile correctional facilities could be expected to test in the retarded range (I.Q. below 70). Friel (1975), in a study of Texas juvenile facilities, found the incidence of mental retardation among incarcerated male juvenile offenders to be four times greater than in the general population and the incidence among incarcerated female offenders to be five times greater than the estimated rate of normal occurrence (see also, Comptroller General of the U.S., 1976; Murray, 1976; Bernstein and Rulo, 1976; Elliott and Voss, 1974; Santamour and West, 1977).

Using the categories of handicapping conditions enumerated in the Education for All Handicapped Children Act of 1975, P.L. 94-142, P.L. 98-199 (i.e., educable mentally retarded, trainable mentally retarded, hard of hearing, deaf, visually handicapped, blind, speech impaired, emotionally handicapped, specific learning disabled, orthopedically handicapped, and other health impaired), Morgan (1979) surveyed handicapped juvenile offenders committed to 204 state correctional facilities throughout the United States and its territories. Questionnaires were sent to juvenile correctional administrators in all 50 states and five U.S. territories. Although the survey technique used by Morgan is subject to various sampling and nonsampling biases,[1] his results deserve attention due simply to the dearth of this type of comprehensive epidemiological study. Morgan reported 42.1 percent of children committed to correctional institutions were found to have some type of handicapping condition. The most prevalent types-educable mentally retarded, emotionally disturbed, and specific learning disabled-seemed disproportionately represented in the juvenile institutions surveyed.

The table below compares the prevalences of handicapping conditions among juvenile offenders reported by Morgan with those of the general student population.

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[1] Morgan (1979) sent questionnaires to state juvenile correctional administrators in 50 states and 5 U.S. territories. Response rate, completeness, and considerations of nonresponse-bias effects are difficult to assess. Morgan states (p. 284) that "[r]eplies were received from all but the Virgin Islands, and all but 6 provided most of the information requested. The number of responding institutions was 204." To his credit, Morgan discusses other non-sampling biases in his survey such as (a) the broad interpretations given definitions of handicaps by the survey respondents; (b) "overlabeling" in order to maximize state and federal funding; and (c) concealment of primary data in order to report impressions favoring respondents biases and predilections.

Comparison of Prevalences of Handicapping Conditions Among Juvenile Offenders and Among the General Student Population

Handicap	% Among Juvenile Offenders[a]	% In General Population[b]
Emotionally Handicapped	16.1	2.0
Specific Learning Disabled	10.6	1.5
Educable Mentally Retarded	7.7	1.5
Trainable Mentally Retarded	1.8	0.8
Speech Impaired	1.7	3.5
Visually Handicapped	1.6	0.1
Hard of Hearing	1.4	0.6
Other	1.1	0.6
TOTAL	42.1	10.6

[a] From Morgan (1979).
[b] Prevalence estimates for student population from Dunn (1973, p. 14).

As one might expect from a survey of this type, variability in reported prevalence figures was great. According to Morgan (1979, p. 292), discrepant definitions of the categories of the handicapping conditions, inaccurate classifications, and deliberate "overlabelling" may have contributed to this variability. In three states--Kansas, Maine and Idaho--respondents reported that their entire incarcerated youth population (100 percent) was handicapped.

Among delinquent youth populations, the prevalences of learning disabilities, and mental retardation in particular, have been the subject of numerous studies having considerably more controls than those in the Morgan survey. Dunivant (1982) found that the learning disabled youths in the sample reported an average of almost 44 percent more delinquent acts than the non-learning disabled boys, and that the learning disabled more frequently engaged in violent acts, in substance abuse, and had more school discipline problems. Moreover, the percentage of learning disabled juveniles adjudicated delinquent by juvenile courts and the percentage of mentally retarded juveniles in juvenile correctional facilities is far higher than the proportion of such juveniles in the population as a whole (cf. Dunivant, 1982; reviews in Morgan, 1979, 289-291; and Keilitz and Miller, 1980, 119-120). For example, Dunivant found that:

> [T]he odds of being adjudicated were 220 percent greater for learning disabled than nonlearning disabled adolescents. The odds ratio for being taken into custody by the police was similarly greater for participants with LD. Finally, the incidence of learning disabilities among the adjudicated delinquents was 36 percent, indicating that a substantial porportion of the population of official delinquents is handicapped by learning disabilities. (Dunivant, 1982, p. 11).

As indicated earlier, the overrepresentation of learning disabled and mentally retarded children encountering the juvenile justice system is not limited to the context of the juvenile court's jurisdiction over delinquent (i.e., criminal) behavior. Davidson (1979, pp. 471-2) summarizes a number of studies of neglected and abused children that indicate that a disproportionate number were in special classes for the learning disabled or mentally retarded.

> Abused children who received outpatient treatment at Downstate Medical Center in Brooklyn, New York, were seen as generally having intellectual and cognitive impairment, developmental lags, often speech and language, and major academic and behavioral difficulties. [Green (1977)] . . . [A]n analysis of the education status of 138 children adjudged abused or neglected by the Utah Juvenile Court [showed that] nearly 27% of these children were subsequently enrolled in special education classes. In the schools where these children were enrolled, only 8% of the remaining enrollment were in these special classes. [Kline (1977); see also Martin (1976)]

While most of the prevalence estimates of handicapping conditions among youths in the justice system are reported for the handicaps of learning disabilities and mental retardation, our preliminary review of the literature suggests that prevalence estimates of the major categories of emotional disorders, learning disabilities and mental retardation all are of much greater magnitude than expected on the basis of estimates of prevalence among the general student population (see the above table). Further, the differences in the magnitudes of prevalence of handicapping conditions between those youths outside and those inside the justice system seem to be maintained even when study design problems and biases are minimized.

Determining the prevalence of handicapped offenders is difficult for many reasons. As outlined by Murray (1976), the problems are definitional (different studies using different definitions of handicapping conditions); diagnostic (studies failing to employ tests which fit their definition of handicapped); procedural (subjective diagnosis being conducted by the same person who set out to prove that offenders are also handicapped); analytical (inappropriate or simply inaccurate use of statistical tests); and presentational (failure to tell the reading audience enough to let them interpret the results themselves). The problem of establishing prevalence is complicated by the fact that youthful offenders are typically housed in numerous types of facilities, including detention centers, diagnostic centers, training schools, group homes, jails, and prisons. Thus, although the above cited data are consistent with the hypothesis that learning disabilities and other handicaps enhance the likelihood that a youth will engage in more frequent and more serious delinquent activities, they do not conclusively demonstrate that a cause and effect relationship exists.

Improving the accuracy of the estimates of handicapped youth, in general, and those who violate the law or who are themselves violated through abuse and neglect, in particular, is essential in order that the services designed to assist such children are better able to compete for their proper share of increasingly limited public services dollars. More accurate estimates are necessary for the development of more effective service coordination and delivery mechanisms.

What Are The Problems In Delivering Services To Children With Special Needs?

As suggested above, two of the major problems in delivering help to children with special needs is the lack of resources and the lack of coordination among the resources that do exist. The following example provides an illustration of both these problems:

> James is a 15 year old and in special education classes at his local school. One day James was picked up by police for shoplifting. The juvenile justice authorities found him to be difficult to communicate with; he was unable to provide them with his home address. Nonetheless, James moved through the juvenile court system and was placed on probation. A few weeks later, James was picked up again. This time he had apparently broken into a residence with three other boys. When the police came, the other boys ran out but James stood outside as if in a daze. This time the juvenile correctional authorities realized that there was something "wrong" with James. He was tested and found to be mentally retarded. But there was no help for James. Sheltered group placements had long waiting lists and the special school for the mentally retarded refused his admittance because of his "acting out" behavior. There seemed to be no alternative for James. Therefore the juvenile judge was forced to send him to a juvenile correctional facility which had no special education for the mentally retarded ("The Mentally Retarded Juvenile Offender," 1980, 27).

The case of James illustrates the unmet needs of young offenders who are handicapped. Many jurisdictions are unable to mobilize the resources necessary to recognize and attend to children with special needs. The problems of these children too often go unnoticed or misdiagnosed through a troubled and troublesome school career until after repeated contacts with the juvenile justice system they are finally "discovered." Even then there are often no remediation or habilitation available. As a result, the child may be detained, sometimes for an excessive length of time and sometimes in adult jails under conditions causing serious risk to the handicapped youth. Even when they are housed in juvenile detention or correctional facilities, the appropriate diagnostic procedures, educational services, and habilitative services may be unavailable (see, e.g., Gary W. v. Louisiana, 1976), despite the recommendations of national commissions (National Advisory Committee for Juvenile Justice and Delinquency Prevention (1980), Standard 4.2163; see also Sales, Powell & Van Duizend (1982, p. 799)).

The Education for All Handicapped Children Act reauthorized by the Congress last year makes clear the responsibilities of local educational systems. Yet, the responsibility for educating young handicapped persons in trouble with the law is often confused, as the case of James highlights. (cf. Murray, Carlson, Coffey & O'Hayre, 1981) In part this is a "turf" problem (Dogin 1980); in part it is a problem of trying to focus limited resources. But, as Prescott and Van Houten (1979) found in New Jersey, it can result in a handicapped offender having to choose between a correctional facility in which there are no services addressing his or her needs, or a mental retardation institution from which release may not be obtained for many years. Community correctional services do not offer the required services and cannot substitute security. Only three higher educational programs currently train their students to be correctional educators, and there is little evidence of special education teacher training in their curricula (Gehring and Clark, 1979; see also Unkovic and Klingman, 1980; Santamour and West, 1977). Community habilitative services are unable or unwilling to handle a special needs child who has gotten into trouble.

The steps being taken to address another troublesome population of uncertain size may provide at least an inspiration, if not a model, for the type of resource and administrative coordination needed to assist children with special needs. A monograph published by the National Coalition for Jail Reform (1984) describes a number of cooperative programs undertaken by mental health and criminal justice agencies in seven local jurisdictions around the country to meet the needs of a "shared client"--the chronically mentally ill person who is not dangerous, but who regularly becomes entangled in the criminal justice system and the emergency mental health system because of minor (usually public disturbance) type offenses. In many instances, these programs were able to improve services to this population at a net decrease in the overall cost to the public. They require prompt recognition of the target population and indigent efforts to meet their needs.

If not for reasons of conscience or compassion, then as a means for avoiding litigation, overcrowded facilities, and excessive costs due to overlapping and competing programs, similar cooperative efforts must be encouraged and assisted to help children with learning and developmental disabilities. As Dunivant observes:

> Most practitioners and researchers believe that it is important to identify and offer special services to learning-disabled children before they become official delinquents; that is, while they are still at an early age. Although there is no firm evidence to support this contention, such a prevention strategy for predelinquent learning disabled children is reasonable enough to warrant immediate implementation and evaluation. (Dunivant, 1982, p. 16).

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PREPARED STATEMENT OF PAULA CASEY, ASSISTANT PROFESSOR OF LAW, UNIVERSITY OF ARKANSAS AT LITTLE ROCK, LAW SCHOOL, LITTLE ROCK, ARKANSAS

THE NEEDS OF CHILDREN IN THE ARKANSAS JUSTICE SYSTEM

The state of Arkansas is faced with at least two major problems in dealing with children who are charged with committing criminal acts. The first problem is that children are being denied due process rights in juvenile courts. The second problem is the procedure which allows juveniles to be routinely charged and tried in the adult court system.

A brief overview of the Arkansas Juvenile Court system is essential to understanding these problems. Jurisdiction over juveniles in Arkansas is in county courts. County courts are essentially courts of limited civil jurisdiction. Jurisdiction was placed in county courts in 1911 when Arkansas adopted its first juvenile code. The presiding officer of county court is the county judge, who is not required to be law trained. County judges may appoint referees to hear juvenile cases. Referees appointed after 1975 must be licensed attorneys. An appeal from juvenile court is by trial de novo to circuit court, a court of general trial jurisdiction which holds superintending power over inferior courts.

For most of the children charged with delinquent acts in the Arkansas juvenile justice system, the system could be better described by omitting the word "justice". Juvenile courts were originally regarded as a sort of social welfare institution where informal proceedings were the order of the day. During the past few decades the United States Supreme Court has decided several cases which have altered juvenile court procedures in delinquency cases. The recognition that many of the procedural due process safeguards which have long been afforded to adults in criminal trials should be extended to juveniles changed delinquency hearings into adversary proceedings.

Unfortunately, the recognition of these safeguards by the United States Supreme Court has not necessarily resulted in their application to juvenile proceedings in Arkansas. A study published in 1983 by the Arkansas Advocates for Children and Families, "Due Process Rights and Legal Procedures in Arkansas Juvenile Courts" reveals a number of problems with the juvenile system in this state. For example, the Arkansas Advocate's study reveals that juveniles were required to testify in juvenile court proceedings in approximately 4 out of every 10 hearings in violation of their Fifth Amendment privilege. Juveniles were sometimes required to prove their innocence before the state presented its case. In 17% of the total cases surveyed, the presiding judge or referee presented the state's evidence against the juvenile. Witnesses were allowed to testify without being sworn. Juvenile defendants were not always allowed to cross-examination the witnesses who testified against them. While most of the presiding judges and referees were advising juveniles of the right to be represented by counsel, more often than not juveniles were not advised that they had a right to appointed counsel. These practices violate both existing Arkansas law and United States Supreme Court decisions.

The structure of juvenile courts allows these practices to go unchecked. Juvenile proceedings have traditionally been closed to the public in order to protect the identity of juvenile defendants. Because the appeal of a juvenile case is by trial de novo, no record is kept of the juvenile court proceedings. The end result is that juvenile proceedings take place behind closed doors, and the presiding officer of juvenile courts is never held accountable by the public nor can he be reversed for error by a superior court. But for the persistence and dedication of the staff of Arkansas Advocates for Children and Families we might never have had documentation of any of these practices.

Circuit and municipal courts, which are the courts holding jurisdiction over adult criminal matters, also hold concurrent jurisdiction with juvenile courts in that juveniles who are 15, 16, and 17 years of age may be tried for criminal offenses in either juvenile or adult court. Juveniles who are at least 14 years of age and are charged with first degree murder, second degree murder, or rape may also be tried in either juvenile or adult court.

The prosecuting attorney has the discretion to decide in the first instance where a juvenile will be charged. Although statutory provisions exist for the transfer of juvenile cases from adult court to juvenile court, the juvenile usually has the burden of proving that the transfer should be made.

In 1981, almost half the juveniles who were old enough to be charged in adult court were charged in adult court. The Arkansas Division of Youth Services published a survey, "Arkansas Youth in Municipal, Circuit, and Juvenile Courts," which included statistics from 58 Arkansas counties. Twenty-four of the counties included in that survey processed more juveniles through adult courts than through juvenile courts in 1981. Overall, almost 47% of the cases involving juvenile defendants were processed in adult courts. The general sentiment seems to be that juveniles who commit serious, violent offenses should be charged in adult courts. I do not disagree completely with that sentiment. However, the DYS survey revealed that only 7.2% of the offenses were crimes against people, which are normally considered to be serious or violent crimes. The remainder of the offenses were either drug and alcohol related or crimes against property. I can only conclude that many of these juveniles were charged in adult court because they "qualified" by virtue of their ages.

Juveniles who are convicted in adult courts may be incarcerated in adult facilities or the record of conviction may increase the possibility of incarceration for subsequent offenses under the state's habitual offender act. In addition, the disposition alternatives which are designed to provide treatment and rehabilitation to juveniles and their families are not utilized by adult courts. The work of this committee in the area of the treatment and rehabilitation of juvenile delinquents is meaningless for those juveniles who have been diverted to the adult court system. The practices and procedures of the criminal justice system in the state of Arkansas will ensure that a large portion of the juveniles in this state will never benefit from your work in that area.

The State of Arkansas needs to solve the problems of its juvenile system. The discretion to make decisions on whether to charge children in adult or juvenile court should be given to judges. The judges of juvenile courts should be trained in the law. Appeals from juvenile courts should be on the record to ensure that juveniles are not systematically denied basic due process.

PREPARED STATEMENT OF BERNARDINE FONTANA, CHAIRMAN OF GOVERNOR'S JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY BOARD, STATE OF LOUISIANA; VICE PRESIDENT, LOUISIANA ASSOCIATION OF CHILD CARE AGENCIES; EXECUTIVE DIRECTOR, YOUTH HOUSE OF OUACHITA, INC.

Mr. Chairman and Members of the Select Committee:

The Hearing you are holding today on the needs of children in the juvenile justice system is an extremely important one for all those involved with and concerned about juvenile justice.

The juvenile justice system in our state, like many others, was given impetus for progress and change with the passage of the Juvenile Justice and Delinquency Prevention Act of 1974. Louisiana has participated in the Act since 1975. Section 223(a)(3) of the JJDPA requires each state, which applies for formula grant funds under that statute, to appoint an advisory group consisting of between 15 and 33 persons "who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice". The members of State Advisory Groups are appointed by the governors of the respective states. Their responsibilities include advising the governor and legislature on matters relating to juvenile justice, including compliance with the requirements of the Act; reviewing, commenting and, in some cases, acting upon all juvenile justice and delinquency prevention grant applications; monitoring state compliance with the requirements of the Act; developing a comprehensive state juvenile justice plan and reviewing the progress and accomplishments of programs under that plan. State Advisory Group members serve as volunteers and donate their time and energy to improving the juvenile justice system for juveniles. State Advisory Groups play a key role in the implementation of the Act at the state and local level. I am indeed honored and privileged to serve as the Chairman of Louisiana's State Advisory Group.

One of the clear benefits of the Act was the creation of these State Advisory Groups, which provide for an essential role for volunteers within the juvenile justice system. I believe the Act serves as a model of a successful Federal, state and local partnership, whereby the Federal Government provides leadership, direction, assistance and some resources and the citizens within the states make decisions in regard to the direction and resources based on state and local needs and priorities.

The JJDPA is an extremely effective piece of legislation which has led to progress toward a more humane and more rational approach to juvenile justice. It has provided a focus for local, state and national commitments to juvenile justice issues. It has provided a planning capability within state governments on juvenile justice issues and has encouraged a dialogue among factions which have all too often immobilized the system through lack of communication. It has encouraged policy changes at both state and local levels regarding deinstitutionalization of status and non-offenders and separation of juveniles from adults in secure facilities and has encouraged the development of community-based prevention, diversion and treatment programs. The JJDPA has exerted great influence on systems planning, on developing a range of services for juveniles resulting in the prevention of entry into the juvenile justice system, on the ability of communities to offer alternatives outside the juvenile justice framework, on expanding the expertise and resources of communities to deal with their own problems of juvenile delinquency. Use of "the least restrictive alternative" has been encouraged in an effort to maintain juveniles within their own families and/or communities whenever possible. The problem of the serious/violent juvenile offender has been recognized, and programs which deal with the needs of both the offender and the community continue to be developed.

The Act has clearly served as an incentive to states to improve their juvenile justice systems. While Juvenile Justice and Delinquency Prevention funds have always been but a fraction of the total system costs, they have, nonetheless, served as a catalyst to increase both the efforts and resources devoted to improving services to juveniles within the states.

The Formula Grant Program (Part B, Subpart I of Title II) is the main reason the Juvenile Justice and Delinquency Prevention Act has been so successful. Under this Program, more than half of the money appropriated for the Act is returned to the states to carry out the mandates of the Act. Citizens of each state determine the needs and priorities of their states and allocate the money accordingly. Consequently, the money awarded under the JJDPA is used in the most effective manner for each state. The Formula Grant Program encourages cooperation and coordination among all those involved in juvenile justice. Community-based organizations work with state departments, which, in turn, work with each other to ensure the needs of juveniles are being met. Foundations, businesses, United Ways, etc., are becoming more involved in supporting services to juveniles. SAGs, because of their composition, play a key role in encouraging and developing such coordination.

States have used Formula Grant money to develop various programs, such as statewide networks of emergency shelter and group homes, crisis-intervention services and a variety of prevention and diversion programs. Many of these programs have proved so successful that they have continued with state and local funds. Standards have been developed, juvenile codes have been revised, and legislation has been implemented in response to the JJDPA. Without the impetus of the Act and the money available under the Formula Grant Program, many of these programs and improvements would not exist

In our State of Louisiana, JJDP funds under the direction of the State Advisory Group have made some of the following accomplishments:

* Sponsored and participated in the development of Louisiana's first Code of Juvenile Procedure.

* Founder of annual statewide "Governor's Conference on Juvenile Justice."

* Sponsored the first statewide publication in the area of youth care and development, the LYCIC Magazine.

* Established a "Technical Assistance Resource Pool," utilizing in-state talent to exchange ideas, policies, programs, and procedures.

* Participated in the development of Louisiana's first licensing standards for juvenile detention facilities and provided funding for implementation.

* Established juvenile delinquency prevention program guidelines in concert with the Division of Youth Services.

* Supported progressive juvenile justice legislation at both the state and national level.

* Established qualifications with the assistance of the Louisiana Sheriff's Association for juvenile officers and law enforcement juvenile counselors who are federally funded.

* Established the "Southern State Coalition of Juvenile Advisory Boards."

* Sponsored the first meeting of the "Southern Coalition."

In addition to this, numerous programs, facilities, and services such as truancy reduction, in-school supervision, shelter facilities, group homes, diversion programs, crisis intervention, substance abuse, parent effectiveness training, family counseling training for law enforcement, probation, community-based facilities and correctional personnel have been funded and many are continuing with state, local and/or private funds.

Much progress has been made, but much remains to be done. Yes, there are many needs within the juvenile justice system, not the least of which are: reduction of services to juveniles and their families due to state budgetary constraints; reductions in appropriations to states by the Federal Court; overcrowding of juvenile correctional facilities; insufficient community-based alternatives to incarceration; insufficient local primary prevention programs and "back seat" for funding for statewide prevention efforts; insufficient services for the mentally retarded and mentally ill juvenile offender.

In spite of these problems and difficulties, states continue to develop creative approaches to serving juveniles and to fund, with JJDP money, alone or with state, local and private services, a variety of successful programs.

Too often committees such as yours hear only of the doom and gloom of the issues under consideration. I am pleased to report to you that the JJDP Act, federal legislation with bi-partisan support, truly is working as it was intended, no, better than was ever intended. Thank you.

PREPARED STATEMENT OF JUDITH ROGERS, CHANCELLOR AND PROBATE JUDGE FOR THE SIXTH JUDICIAL DISTRICT, THIRD DIVISION

I am Judith Rogers, Chancellor and Probate Judge for the Sixth Judicial District, Third Division. This Court is an equity court and approximately 60% of our case load involves family matters such as divorce, custody, guardianships and adoptions.

Previously I served for 5½ years as Juvenile Judge for Pulaski County. In that capacity I supervised a staff of from 30 to 60 people and for several of those years, was in charge of a detention center that housed run-away, abused children and delinquent youngsters. I am presently serving as the chairperson of the Committee on Abuse and Neglect of the National Council of Family and Juvenile Court Judges. In that capacity I testified before the Attorney General's Task Force on Family Violence in Sacramento on February 15, 1984. A copy of that testimony is appended hereto as Exhibit A.

I have also recently testified before the Arkansas Legislature in my capacity as a Probate Judge, concerning the adoption problems in our state because of its lax adoption laws. (A copy of that testimony is appended hereto as Exhibit B.) These laws need revision and a subcommittee of the Arkansas Legislature is investigating this problem. The federal government is also investigating the gray market in babies that is flourishing because of the scarcity of babies nationwide.

I will not attempt to cover either area covered by these two attached exhibits, but would like to discuss other problems that hinder the effective delivery of services to families.

In our society like all societies that require the allocation of limited resources to almost unlimited needs, we must decide on the priorities for our delivery of services. Unfortunately, we do not allocate sufficient monies for preventive services until the problems become intensified. However, this may not be as wasteful as first appears. My years working as a private lawyer, and the years I worked in and for the bureaucracy have made me cautious of over-involvment by government in people's lives. I maintain that usually the best parents are the biological parents, not the state. It still appalls me when a judicial officer who is in an exceedingly sensitive position to order service delivery has to fit these needs into the bureaucratic service areas. To be specific, when I was a Juvenile Judge I very often saw abused and neglected children that could be returned to the home if we checked upon these children daily. The minimum agency requirement was one visit per month and this was almost uniformly applied to every case in a worker's caseload. This seemed wasteful at times and obviously completely insufficient at other times. Without the ability to be able to order resources on an emergency basis and to be able to order the shifting of personnel to meet needs, the person became an "average statistic" and the average service that is then delivered to them is meaningless. If these services had been managed well, further court action perhaps would have been avoided.

In my present job as chancellor I see that we could avoid future problems in the area of divorce and custody if people had access to pre-divorce workshops. These workshops would explain the legal and psychological problems that might be faced by the parties when they are involved in a court battle. The offering of mediation services on a voluntary basis might also preclude bitter custody battles and allow the participants more input into decisions that affect their lives.

It has also been my experience that under our present separation of powers the judiciary is often the branch that sees the problems, whereas the executive and legislative are often the branches that devise the solutions. I feel very strongly that some responsiveness to the needs of judges would be very useful (i.e. additional trained court personnel.) In my own experience psychologists attached to the staff or paid by the parties through the assessment of court costs would be much more helpful in many cases than the use of hired experts who are often termed "hired guns". The expert who has a duty to the court may be more helpful than the hired adversarial witness.

In Arkansas, as in most states, there is overuse of longterm foster care. I recently attended a meeting at which one of the social service attorneys stated that there is a problem obtaining docket time on the court's calendar in order to comply with the guidelines under Public Law 96-272. I think this is patently untrue; I know of no judge who would deny any emergency hearing to any agency if he were properly approached. In Arkansas there is a multiplicity of courts that have jurisdiction over children and families and this delays the permanent placement of children. I would suggest either an expanded juvenile court or family court to handle abuse and neglect, termination of parental rights, guardianship and adoption.

Since we do not have that statutory scheme at the present time, we must move from one court to the other with its attendant delays. My advice to social service is that when the case is terminated in one court it immediately be placed on the docket in another court. Even though case preparation has not been completed, the lag time between the setting of a case and the hearing of a case should give any attorney the time needed to investigate and prepare the case adequately. At present, I feel that cases are being prepared for court and then being docketed. This is an absolute waste of time. Six months in a child's life is very often a large percentage of their lifetime.

During these unnecessary court delays there is an overuse of foster care. Where jurisdiction of the child and/or family is divided between juvenile court, chancery court, probate court, municipal court and criminal court, there is often a duplication of effort or a complete lack of services.

As a juvenile judge, I found that all the financial benefits ceased upon removal of the child from the home. This exacerbated any problems that were in the family and did not allow for the smooth return of the child. Indeed, many people were without food and lodging and could not plan for the eventual return of their children. The use of emergency funds or continuation of financial aid during short term removals would alleviate this problem. As soon as the child is placed in foster care, funds are paid for this child's board. Perhaps we need a system where some of these funds can be phased into the family for its use if the child is to be returned to that family.

An alternative to foster care and state institutionalization is the placement of the child in the care of a member of an extended family. Unfortunately, we sometimes need resources to do this; the same money that is used to pay a stranger should be available to pay a family member.

In Arkansas, we do not have adequate procedures for involuntary termination of parental rights. In cases of abused and neglected children, the juvenile court should be the locus of decision making because that court has heard the related testimony. Subsequent to termination of parental rights, under our present scheme, we could proceed to probate court for adoption.

In Arkansas, different courts assume jurisdiction over various facets of a families interrelated problems. For example, we are often presented with a case of dependency and neglect which is handled by juvenile court. At the same time, the parents may be involved in a divorce action in chancery court. If the child then commits a delinquent act, and is over the age of fifteen (15), the municipal or circuit court then may become involved. The probate court may also become involved if the abuse and neglect is of long standing and the juvenile court determines that the home cannot be rehabilitated. With a multiplicity of courts there may be many jurisdictional conflicts. My mind reels at this complexity; imagine the poor client trying to find which court is hearing that case.

The juvenile court has access to certain services that the Chancery and Probate courts may not have. For example, the juvenile court in Pulaski County has professional people on its staff. In Pulaski County, we are served by two social service agencies with different geographic jurisdictions. This geographical division often leads to duplicated effort; two different workers, one from each agency, investigate and recommend two different homes for the child. Obviously, it would be much more efficient if the same worker investigated each of the homes so that a comparison could be made. This problem is further exacerbated if the parents live in different counties. Additionally, there is a problem in getting the social service worker to court to testify. Referring the case to another county agency is almost of nightmarish proportions. This scenario, however, is almost pleasant compared to trying to have an investigation when one of the parents has moved to another state. Most states now charge for this service, and we, therefore, have no adequate means of finding out what a home would be like in another state. A lot of prayer and hope is obviously the basic part of any trial judge's decision.

The availability and quality of probation and protective services varies from county to county. I personally believe that if these services are going to be responsive to the court, the judge should have the supervisory authority and the authority to hire and fire. If feel that trying to work with a bureaucracy in which the workers are controlled by another agency increases our problems of accountability.

We have been doing much better in our placement of children, but we are still bound by rules and regulations that do not really appear meaningful when measured against a child's life and needs. I am not so sure that children need so many square feet as much as they need love, interaction, discipline and limits. I do not know how to quantify these factors; I feel that good workers should be hired at adequate salaries. They should be well trained and given additional traning at frequent intervals. Also, since burnout is so high among workers, they should be given time off and rotated into other jobs. If we had trained, competent workers, I would be in favor of giving them more discretion. It is my personal opinion that every supervisor who works with families should spend at least one day a month actually in the field seeing families and seeing, if in fact, services are really delivered to them. As it is now, we all lose sight of the fact that our client should be the child. It is also necessary that we realize what the child wants is not necessarily best for him.

In chancery court, we should have funds available for optional mediation services, for guardians for children in contested divorce cases, and should, perhaps, explore the possibility of guardians or watchdogs in uncontested divorce cases. The watchdog concept would mean that that person would check the agreements made by the parties and lawyers to make sure that the child is placed in the best home. The decree would be reviewed to insure that the child has not been bargained for or that an inadequate amount of support was accepted by the custodial parent in order to avoid a battle. I try to appoint guardians for children in contested custody cases so that the court will have an objective professional who informs the court both what the child wants and what is in his best interest.

I recently attended a meeting on PL 96-272. I was appalled when I was told that there are many judges who are not trained and versed in this law and who have not been adequately informed by social services. The sending of a memo by the Judicial Department is unfortunately insufficient in these days when we are inundated with paper. I would suggest that social services call on each probate judge, juvenile judge, and country judge individually to explain the judge's responsibility under this law and solicit his or her help. This probably should have been done a long time ago, and feedback should have been sought from the judiciary. I oppose the implementation of this law and the resultant delegation of the review hearings to social services. I have always been opposed to the concept of the "fox watching the chicken coop". Until the agencies and the courts have better interaction and trust, I doubt if we will be able to enforce this law with respect to its original intent. I also believe that training should be instituted immediately when federal laws are passed so that input can be solicited from workers and courts who must implement this legislation. They are often the people who can anticipate future problems because of their past experiences.

I do not mean for this paper to be negative. In the past seven years I have seen great improvements in the delivery of services to families, and flexibility has been built into the system. Obviously, we need more emergency funds and accountability by families that are utilizing these funds. Court personnel and service personnel are much more knowledge than previously, but they still have a long way to go.

Only when we realize the ultimate goal of the helping professions is to strengthen not destroy the family, will governmental aid be truly utilized effectively in a court setting. If the backbone of our society is the family, and, if we in fact do not support the family, then phrases such as "motherhood' and "apple pie" will just remain empty phrases.

EXHIBIT A

I am Judith Rogers, a Chancery Judge in Little Rock, Arkansas. This court has equity jurisdiction in divorce, adoptions and guardianships of adults and children. Previously I served as a Juvenile Court Judge for over 5 years. I am the chairperson of the Abuse and Neglect Committee of the National Council of Juvenile and Family Court Judges.

The National Council of Juvenile and Family Court Judges, founded in 1937, is the oldest national judicial organization in the United States. The 3,000 members include juvenile and family court judges, court's staff, lawyers, probation officers, student and professors in juvenile justice and public defenders. The headquarters of the National Council of Juvenile and Family Court Judges are located on the University of Nevada, Reno campus. Since 1969 the national council has trained more than 42,000 juvenile justice professionals a record unparalleled by any judicial training organization.

"Respond when you hear a woman screaming". That simple statement, printed in a brochure trying to heighten community awareness of domestic violence, is a charge to this task force. Respond to the screams of children, spouses and aged parents as they helpessly try to protect themselves in a society where the family member aggressor is too often protected by the rest of us. Protected from publicity, removal from the home, prosecution, punishment, rehabilitation and from our efforts to encourage cessation of this violence.

A baby is blinded from a blow on the head with a baseball bat; the baby is under a life sentence, of deprivation of one of his most important senses. The stepfather is sentenced to one year in jail, no counseling or psychiatric help, no warnings to society that this person may attack another child.

A runaway, seeking to avoid continued sexual molestation steals to survive. That victim punished when he becomes a delinquent and than released, but released to be recycled on the streets.

An aged parent beaten, fearful, another of the victims behind the closed doors which protect family privacy, but in reality cloak family violence. And the spouses, usually women, often with young children, and no financial or emotional support except for their aggressor, often returning again and again to a half life of survival.

If we who are testifying today do not speak up for our sisters and brothers, will you at the conclusion of these hearings?

There is one institution that sees more of these problems than any other institution in our society. That institution is called a juvenile or family court. This court is at the hub of the diverse elements of police, prosecution, hospitals, social workers, teachers, parents, emergency shelters and detention facilities.

We see the relationship between the substance abuser and the victim of physical and sexual violence. Hospitals petition us for emergency medical authorization when a broken body requires repair. We must make immediate decisions as to when, how and where to order counseling for the family or insist on action by the district attorney. Case management, supervision and co-ordination with social agencies and court staff requires trained manpower and additional judges informed, about community resources, flexible about options, and trained to understand the dynamics of abuse.

I was raised as were most of you to believe the family unit was sacrosanct and best able to deal with its own problems. The Orwellian concept of a "big brother" society solving family problems was an anathema to me. The strong religious heritages in our pluralistic society mandated that we alone protected those closest to us. The prevailing idea was that what went on in the sanctity of our homes was a private not public concern. Our home was our castle and we its lord and masters.

The concept that the court system should deal with "our family problems" is distasteful to vast members in our society. I submit to you ladies and gentlemen that we must examine the enormity and complexity of the problem and decide if it can be adequately handled behind closed doors.

If we decide that we are not presently dealing with the problems of family violence, then we must look for a way to do so and I maintain that our juvenile and family courts have the greatest capability to manage this needed responsibility. If we make a societal decision that in many cases legal intervention is necessary, then we must not shirk from providing the resources to that system to answer those problems. Our continued ambivalence, and our inability to recognize family violence as requiring a collective effective response will not solve the cyclical nature of violent acts. If we continue to accept violence within our family, how can we stop that violence when it is turned on the rest of us?

Whether this violence affects us by the anti-social behavior of abused children and adults, or by the social costs of broken homes, or by the inability of many of these victims to become fully productive as adults; it is too costly for us to continue to ignore. If a public response is what we decide is necessary, then let that response be wholehearted and significant.

At the heart of the dilemma is whether we want the state to help socialize our children, if some of our families abrogate this responsibility. It is distasteful to us to admit that we can not adequately deal with our own family problems. But is it realistic to expect that the victims of abuse will not be limited in their ability to parent future generations.

In our present society our social structure is undergoing rapid transformation. Families headed by one adult have replaced what has been a traditional two adult responsibility. These families often have emotional and financial deficits. Society needs to be supportive rather than destructive of these structures.

Although I am advocating increased resources when there is court intervention, I am advocating these resources to supplement and stabilize the family unit. The family, albeit in changed form, is still the unit of socialization and we must support this unit. We must aid it through co-ordinated services delivered by knowledgeable, trained, caring professionals. We must strengthen this unit through our system, not destroy it.

Society, in forums such as this attorney general's task force, must give courts direction. Any society where the courts do not have relevance and relationship to the philosophy of its citizens through the policies and statutes it follows, will have difficulty in enforcing these policies and statutes. We are a government of laws, but these are enacted by men and women.

Courts cannot deal with the roots of our problems, nor eliminate them. We can respond to them however. Since we are at the hub of many agencies, if a co-ordinated effective societal response is needed, we are a natural mechanism.

Since we as judges in family and juvenile court settings work with families, social service agencies, community based facilities, law enforcement agents, schools and hospitals, assure yourself that you are giving us the tools with which to work.

Judges are lawyers grown older, not necessarily wiser. We need training in the psychological dynamics of abuse. We must recognize what is and what is not abuse. We must be trained and re-trained as our collective knowledge in this area increases. We must be made aware of treatment alternatives, rehabilitation techniques and the necessity for punishment of some offenders. No judge should ever be expected to preside in a court setting, who cannot understand the experts who testify as to medical problems and psychological theory.

We must support our judicial research arms, such as the National Center for Juvenile Justice in Pittsburgh. We must support local judicial training and especially our National Judicial Colleges, including the National College of Juvenile Justice in Reno. We must demand that our legal expertise be matched by our training in related areas. Regional seminars should be funded and time allotted on our judicial calendars to attend them.

We need adequate court facilities, and staff to maintain and administer them. We need the manpower capability to make an immediate response to violent acts. We need comprehensive laws, central information registries, improved co-operation with better trained law enforcement officials, and adequately funded community agencies to work with us. Should we settle for anything less than an organized system to train court personnel?

Guardian ad litem programs, where the child is represented by a court appointed and funded attorney or social worker have proven their cost effectiveness. Statutes often now require and should guarantee a legal representative for our elderly abused family members. If we guarantee that those accused of criminal behavior have legal representation, should we require any less for its victims?

The multiplicity of overlapping courts and diverse jurisdiction must be reduced. Community and family courts may be an alternative to multiple jurisdictional problems. We need one court dealing with multiple problems rather than multiple courts dealings with one problem. Court mandated and supervised medication services should be made available, and on a sliding fee basis, to supplement legal action.

Those who violate court orders should be swiftly apprehended and punished. Law enforcement personnel and prosecutors must be enlisted to aid in enforcement of court orders. Court orders could be written so that protective orders are enforceable by local police officials, without numerous additional hearings.

In detention facilities and prisons the violent offender must be separated from the non-violent offender. We must recognize one treatment modality is not effective for all offenders.

Early detection, treatment and supervision is less costly than delay. Witness and victim assistance programs must be strengthened. Early case docketing and handling should be established by ensuring adequate judicial numbers. Pro bono legal services and elimination of costly fees and court costs for those seeking legal assistance are necessary.

Emergency police powers are needed to hold perpetrators and remove them rather than the victims from the home place. Immediate arrest and overnight incarceration of the perpetrator may be an effective deterrent to recidivism. Court supervision after the return of the offender to their previous family environment should be continued, and immediate court response to the repeat offender is necessary.

Anatomically accurate dolls can be utilized to assist children in identifying what the alleged sexual abusive acts were. Venereal disease in children should be mandatorily reported. Use of videotaped statements given by children should be admissible in later court hearings. We must refine our knowledge and techniques for assisting young children in court cases. Children must be educated to tell authorities when family members invade their bodily privacy.

Mandatory reporting laws must be enforced. A multistate central data registry could be established to allow for continued identification of transient abusive family members. State crime information centers could collect, compile and disseminate statistics and child abuse should be an indexed crime in all states.

Courts and their probation and professional staffs should be a part of community based planning. Court diversion plans should be established with adequate court supervisory personnel. This staff should be under court authority or control to ensure accountability and rapid response to court orders. Foster home care must be improved and the shifting of children from agency to agency avoided. Periodic court review must be automatically docketed, so that children are not lost in the system.

Uniform definitions and laws would facilitate court action. A method must be established so that previous work with abusive family members is more readily admissible as evidence in other jurisdictions. The civil and criminal courts should co-ordinate their docketing of cases.

The "reality" of treatment should be more than illusory. The complexities of family violence indicate its causes and solutions may differ from other criminal behavior. Additional and continued research is important.

These are but a few examples of possible increased judicial involvement. As you review the experts testimony remember the ability and authority of the courts. Strengthen them and you will strengthen your ability to help alleviate family violence.

You are identifying the problems here today, but it is the solutions that we need. We think of ourselves as a society sensitive to each other, and following the biblical admonition to be our brothers keepers. Let us keep our brothers and sisters, parents and children safe and loved.

Violence in families passes from generation to generation. Is this to be a continuing part of our American Heritage?

EXHIBIT "B"

I am Judith Rogers, a Probate Judge. For 5½ years I served as a Juvenile Judge. I am here with Judge Lee Munson of Pulaski County.

We are testifying at your request about problems we have encountered in adoption situations. Our testimony must at times be somewhat general in nature to protect the privacy of individuals involved and so as to not violate the ethics of our profession.

Several years ago when I was a juvenile judge a psychologist was testifying in a sexual abuse case. The victim was a 6 year old child who had been raped. The doctor testified that this child was "an inappropriate sexual object". Forgetting judicial restraint I remember saying "most people would say this person was sick". I have a similar reaction to the present misuse and abuse of our adoption laws—"it is sick".

A system designed to help children find new families is being utilized to help a few people get rich.

Historically we have had an adoption system which worked adequately, and often exceptionally well. I was brought up not to favor state intervention into family life, because the family unit was sacrosanct. I still believe this unit is usually the best nurturing ground for emotionally healthy children.

The picture of a happy child nesting in the loving arms of two well suited and matched parents who are emotionally prepared to rear this child, should be replaced with the actuality of some adoptions in Arkansas today.

Replace that picture of a smiling baby with a price tag. Ask "what am I bid", and you have the future of adoptions in our state.

I do not think that the system we want is one where an out of state "social worker" temporarily staying at a luxurious downtown hotel, tries to remove a baby from the hospital. This worker has so little understanding of our laws and accepted social work practice that she asks the nurses how she can get the baby released to her. This woman on Saturday went without identification to one of our local hospitals. She is the reputed "middle man" in the sale of a baby for $35,000.00.

Very little of this money goes to the mother who bore the child. Very little of these funds are "wasted" on appropriate investigation of the adoptive parents who may already have been turned down as unsuitable parents by other states. No money is spent on preparing the mother for the guilt she will feel in the ensuing months or preparing her to avoid a repetition of the circumstances that often found her alone and pregnant. No counseling is given to the prospective parents either. Most of the dollars go to a profit agency, and a few unscrupulous lawyers and doctors.

I am not talking about the excellent work done by the Edna Gladney home or Catholic Social Services Agencies that follow our laws and comply with the requirments of the Interstate Compact on the adoption of children. I am referring to people like Stanley Michaelman, or agencies that style themselves as friends of families, and who charge non-refundable fees of thousands of dollars per pound of human baby flesh. In Pulaski County last year over 30 adopting couples were referred by a New York lawyer at approximately $2,500.00 per case. This man earned approximately $75,000.00 in Pulaski County alone, without once setting foot in our courts. Multiply this by a number of other Arkansas jurisdictions in which his co-counsel also operate and you will see the high potential for profit, with low overhead, by dealing in human flesh. You soon realize his service is not benevolent, but malevolent.

We have seen in the past year an increase in the number of out of state adoptive parents, and pregnant girls from other states who use the flexibility of Arkansas adoption laws to adopt newborn infants. This is accomplished at a time when there are many good homes in Arkansas where people desperately are waiting for children. These people may have sufficient economic means to raise a child but do not have the $15,000.00 or $20,000.00 needed to originally pay the costs for the child. It has become a buyers markets and my question is are we willing to equate economic means with ability to love and care for a child? If we do make this societal decision in the affirmative then how much should the going price be—$50,000.00, $100,000.00 or what amount? Are children to be treated and traded as are othe commodities in a free market society.

If we agree to condone the selling of babies, let us not mask this by altruistically and hypocritically stating it is out of concern for the welfare fo the newborn.

The welfare of the newborn mandates that we take the following precautions before finalizing an adoption:

We should see that the mother receives adequate prenatal care. During this emotionally turbulent time we should provide an education or training for her so she can make her best possible re-adjustment after the birth of the baby. We have an excellent facility, the Florence Crittenden Home, which attemps to do that.

We should see that the unborn child and mother receive regular medical check-ups and we should learn as much as possible about the putative father and the mother's medical history to try to avoid medical complications.

We should adequately counsel pregnant girls and women about their legal options and rights to support. We should provide counseling and help these girls with problems of low self-esteem, loneliness guilt so that hopefully they will not again repeat this emotionally self destructive behavior.

We should apprise fathers of their legal rights and responsibilities.

Putative fathers often are not notified of the pendency of any legal action, although they or their families may have an interest in raising the child. If their rights are asserted later will we not be breaking up a new stable family unit?

We should assure ourselves that consents to adoption are knowingly and freely given without any coercion involved. We should assure society that new mothers are not forced to make life important decisions at the emotional time of birth, when they are often abandoned emotionally and financially.

I congratulate parents who cannot take care of a child, and who knowingly decide to give that child a chance with a new stable family. We owe those parents the assurance that the new family is a fit and stable one. We should provide parenting and counseling to new families so that they understand their long range commitment when they adopt a baby.

We must be on the lookout for genetic problems, and know if the natural parents were drug addicted or had any abnormal physical conditions, so that good medical care can ameliorate these problems.

We no longer just place Arkansas babies in Arkansas homes, or even Arkansas babies in out of state homes, or out of state babies in Arkansas homes. We assist in the placement of out of state babies in out of state homes.

Last year there were apartments that were rented, where 3 or 4 pregnant girls at a time, from other states spent the last weeks of their pregnancy. When they gave birth, an out of state couple flew down to our state and a few days later the adoptive parents, the baby, and the mother had all left Arkansas.

All this at a time when many Arkansas families were crying for babies. If you as legislators don't hear the cries of your constituents to make babies available to them, then you are not listening to our Arkansas citizens.

The overworked judicial system does not need the additional burden of servicing people who could not adopt children in their home states.

If the baby is born with birth defects, who is responsible for the baby? The mother flies home to her state and the would be adopting parents fly home to their state. We have another ward in our state and additional costs to our system.

There are real problems of conflict of interest on the part of a few greedy attorneys who attempt to represent all parties to this transaction and who do not have facilities for follow up if problems arise. At a time when a profession I revere is subject to undue criticism, I do not want to tarnish the entire profession because of the actions of a few. The same should be said of the medical profession, and others who assist in this selling of babies.

Goods lawyers who originally thought they were providing a service have re-examined the situation and now realize they were often being used by those not motivated by their high principles. The local doctor-attorney adoption to help a pregnant girl has now mushroomed into big business with large numbers of clients and slipshod methods and few safeguards.

All principles of good social work are being violated, as the rights and secrecy of the adoption proceeding become mechanized and impersonal.

You have wrestled with these problems before. I commend you for your efforts and attendance today to again try to seek a humane solution for a human problem.

These problems have been studied by the National Conference of Commissioners of Uniform State Laws. I urge you to adopt their recommendations in full and restore the deleted portions of the Revised Uniform Adoption Act to our statutes. Interstate Compact regulations must be followed or penalties provided for non-compliance. Attorneys who do not fulfill statutory requirements as to accurate and full financial disclosure should be censured. Their duty to their profession requires they fulfill their responsibility to accurately inform the courts of all financial transactions to avoid the appearance of impropriety. Social workers must be licensed or supervised, and not on a for hire basis by the case or by a for profit agency. Doctors must join with allied professionals to see that the best interest of the child is served. You must see that the best interests of children are paramount and legislation should always be drafted with this end in mind.

My daughter is married and pregnant. It is a difficult time for our family, since she is confined to bed because of medical complications. I worry about her and my unborn grandchild. Should I worry any less about other unborn children?

Who will speak for the children, if we do not?

State of Louisiana
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF HEALTH SERVICES AND ENVIRONMENTAL QUALITY
P. O. BOX 60630 - PHONE - 504/568-5050
NEW ORLEANS, LOUISIANA 70160

EDWIN EDWARDS
GOVERNOR

SANDRA L. ROBINSON, M.D., M.P.H.
SECRETARY

May 14, 1984

Honorable Lindy (Mrs. Hale) Boggs, M.C.
2d. District, Louisiana
Washington Office
2353 Rayburn Building
Washington, D.C.   20515

Dear Mrs. Boggs:

This is written in response to your request for information as Chair of The Select Committee's Task Force on Crises Intervention.

It appears to me that the disruptive forces in American life today is the lack of strength and cohesiveness that used to be Hallmarks of the American families. The dynamics of today's society has tended to weaken family influence on the individual member and allowed negative influences to permeate his existence.

I feel that institutions which foster positive family life need to be reinforced and supported in their efforts to do so.

Here in Louisiana, we have two programs which are supported by this agency through its Family Planning Program. One program is in Monroe, Louisiana and the other is starting in New Orleans. These programs stress enhancement of Family Life by using a coalition of community agencies to impact on the negative forces that weaken the family structure. Emphasis is placed on developing community based programs that provide counseling and services in a variety of settings to assist families prevent crises situations and deal with existing crises.

I feel efforts such as these can be expanded by providing family counseling centers that would have a twofold responsibility. These are:

1. To provide preventive programs aimed at strenghtening family life.

2. To provide remedial services to deal with families in crises situations.

The above would imply that sufficient funds would be made available to communities to develop and staff these centers. The major focus would be on strong parenting programs providing a variety of meaningful education and information to families and individuals.

I trust this information proves useful in your endeavor, and should you need additional information or clarification, please feel free to call on me.

With my best wishes and kindest regards.

Sincerely,

Roland P. Batiste,
Director of Health Education

RPB/tmp

cc: Sarah Braud, M.D.
Samuel N. Neel, M.D., M.P.H.
Jean Chipille

COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA

Suite 550
244 Washington Street, S.W.
Atlanta, Georgia 30334
(404) 656-6411

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Chris Perrin
Executive Director

May 8, 1984

Representative J. Roy Rowland
513 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Rowland:

Thank you for your interest in the work of the Georgia Council of Juvenile Court Judges. I am writing to express my concern to you, Representative Boggs and all the members of the Select Committee on Children, Youth, and Families regarding the continued need for federal funding in the area of juvenile justice and delinquency prevention.

During the last four years our Council has operated a federally-funded program which seeks to establish community-based services for young people who become involved with our juvenile courts. Local courts who participate in this program contract with people in their own communities to provide counseling, tutoring, temporary housing and other specified services to children on probation. Through this effort we have been able to respond more fully to the needs of some 4,000 children.

At the present time 74 counties in the state of Georgia are making use of these funds. Sixteen counties have established tutorial programs, twenty-three make use of group and individual counseling sessions, fourteen counties now operate symbolic restitution programs and thirty counties have children employed in after-school public service jobs. As the program coordinator for our purchase of services program I have daily contact with juvenile justice professionals throughout the state who express belief in the benefits of this program for our children.

It is my hope that the information gathered by your committee through hearings and other means will make you aware that federal support of juvenile justice projects is of vital importance to the children of this country.

Please contact me if I can be of service in any way.

Sincerely,

Billie Bolton Dickerson
Program Coordinator

BBD:jo

PREPARED STATEMENT OF SCOTT R. GORDON, COMMISSIONER, ARKANSAS DIVISION OF YOUTH SERVICES, LITTLE ROCK, AR

Since the establishment of the first juvenile court in Cook County, Illinois in 1899, the juvenile justice system has gone through various phases and reform movements. Along with our nations' human service system, the juvenile justice system has progressed to its current state of technology and practices. What can we say for certain, that the system is now capable of doing, perhaps not alone, but with the help of the human services system and the political system? It appears evident that the system is quite adequate at nurturing delinquents.

There are steps in the process used by our system to nurture delinquency. Although some of the processes are somewhat subtle, this discourse will attempt to surface the major points along the progression of delinquency creation.

First, we must adopt ideologies that devalue youth who are perceived as being different from "normal" youth. Historically, our ideologies regarding "different" youth have included the following themes:

The deviant youth as subhuman (We condone experimental research practices that are also used on animals)

The deviant youth as a menace (We lock youth up with adult criminals)

The deviant youth as an object of dread (Many youth are committed to institutions who pose no serious threat to themselves or their communities)

The deviant youth as an object of pity (We rescue youth from the logical consequences of their behavior)

The deviant youth as a diseased organism (We treat youth with social problems through medication for the ill)

These themes are evident today in the programs and methodologies used to "treat" delinquents and in the belief systems of those who administer "treatment" or control.

Secondly, we must develop policies that tend to weaken bonds within families and between families, schools and communities. Federal and state welfare and education policy, along with local inaction, has been helpful in the weakening process.

Thirdly, when a youth shows himself to be different from the "norm" and that difference is negatively valued by the culture, we begin the branding process. The branding process is extremely important in that it enables us to know the proper method to use in the delinquency creation process. After devalued youth have been branded as L.D., behavior disordered, incorrigible, slow learners, acting out or whatever current "brand" is required, we begin the fourth step, isolation and congregation.

Isolation and congregation involves social isolation of "properly branded" deviant youth from the conventional people and activities, and congregation of these youth into "treatment" or "program" groupings. Often devalued youth are isolated within their families and detached from positive roles in their neighborhoods. In schools, they are isolated from the mainstream and congregated in alternative schools, detention programs, and grouped in "special" classrooms according to their particular academic deficit brand. Shut off from positive peer interaction and opportunities to fulfill positive roles, they begin to take on the characteristics of those expectations placed on them by the environment.

Some who are arrested are branded "adult" and held in adult jails with older deviants. Those who are processed through the juvenile justice system can be officially branded as "delinquent". We can then isolate the delinquent from his family, neighborhood and school, and congregate him with hundreds of other devalued youth in institutions, group homes, and residential treatment centers. The delinquency nurturing process is now beginning to show results.

The fifth step in the delinquency nurturing process is concerned with how we "help" devalued youth. Delinquents are removed from their homes because the local community will not tolerate their behavior and the family is unable to provide the necessary guidance to promote socially acceptable behavior in the youth. Programs, particularly residential programs, have been designed to replace the family system for a period of time and help the youth change his behavior. Generally, these programs are not in the youth's community. When youth are placed in such programs, the bonding within the family is weakened and more often than not, the family is not actively involved in the treatment process. Therefore, the family does not learn better ways of guiding their youth, the local school has not altered its practices and the local community's perception of the youth remains the same. The youth is congregated with other devalued youth and is denied access to positive involvement with conventional people and normal activities within the community. We then return the youth to his unchanged family, school, and community and let him know that we have our eye on him. Now having stronger negative brands and being sufficiently discouraged, the youth lives up to the expectation of his environment. The delinquency nurturing process is complete.

Hopefully, this description of the delinquency creation process has brought an awareness of some ways that we devalue our youth under the intent of social control and treatment. Many of these processes are unintentional and occur on an unconscious level. However, what we currently know about the causes of delinquency is often times in direct conflict with what we do in our efforts to prevent, treat, and control delinquency.

Delinquency prevention is generally prescribed on three levels: primary, secondary, and tertiary. Primary prevention is directed toward elements in the environment that contribute to the creation of delinquency behavior. Secondary prevention is directed toward those youth who are at risk of engaging delinquent behavior patterns and focuses on early identification and treatment. Tertiary prevention is corrective in that it is concerned with preventing recidivism.

In the development of services to youth in Arkansas, the major focus to date has been on tertiary and secondary prevention. In 1979, the Division of Youth Services began its initiative to develop a statewide network of community-based programs with the goal to provide a comprehensive range of services to youth who are in the juvenile justice system and at risk of entering the juvenile justice system. Currently, there are thirteen Community-Based Providers providing residential, shelter, outreach, family services, and reintegration services to youth and families within multi-county service areas.

Juvenile arrests have steadily decreased in Arkansas over the past six (6) years. Also, during this same period, commitments to the state's Youth Service Centers have been reduced by 34%. An even more dramatic development is the fact that the number of youth under age 18, committed to the state's adult Department of Corrections has been reduced by 91% from 1978 through 1983. Last year only thirty (30) youth were added to the Department of Corrections inmate population. Of particular interest is the fact that recidivist commitments to the Division of Youth Services has had a decline which parallels the overall commitment level for a similar period.

During this period, Arkansas youth population has remained at a stable level. The significant reduction of commitments to the Youth Services Centers has provided the impetus to study the feasibility of reducing the number of Youth Service Centers to one campus and providing services to those youth who are currently sent out of state due to a lack of local program resources.

As Arkansas begins to slowly turn the delinquency nurturance process around, it must now place more focus on primary and secondary prevention. A survey commissioned by the Arkansas Juvenile Advisory Group reviewed data on juveniles processed through municipal and adult courts. The survey revealed that about the same number of youth are in the adult court system as are processed through the juvenile courts of the State of Arkansas. Violent offenses made up only a small percentage of cases in both the adult and juvenile systems. In fact, cases involving Class "A" felony acts made up less than two percent (2%) of all cases involving juveniles through all courts in the state. Based on the information developed in this survey, the Division of Youth Services has recommended the following steps be taken:

1) The establishment of objective, specific and standardized criteria for waiving juveniles to the adult court system.

2) Centralized data collection be mandated relative to juveniles processed through municipal and circuit courts.

3) Research be conducted to determine the effect of adult court processing in lieu of juvenile court processing of those youth in the justice system.

4) The initiation of a study and planning project to:

    a. reduce the number of juveniles processed through municipal and circuit courts;

    b. reduce the number of juveniles detained in adult jails and lockups;

    c. restrict juveniles committed to the state operated Youth Service Centers to those youth for which there is not a less restrictive option or other acceptable alternatives;

    d. limit sentencing of juveniles to the Department of Corrections to those juveniles convicted of serious crimes against a person or persons/property;

e. to identify and develop alternative programs and services necessary to support the activities outlined above.

Of particular importance to Arkansas is the vital role played by programs and funds available through the Office of Juvenile Justice and Delinquency Prevention. Formula grant funds to the state allow for innovative research and programming not normally available in a youth-serving system. This significant leadership stimulation, combined with Federal initiatives such as de-institutionalization of status offenders, removal of youth from adult jails and lock-ups, etc., have played a vital role in our efforts to develop a responsive, humane, and professional youth-serving system. I ask that you work to convince your colleagues as well as the President to approve re-authorization of the JJDP Act in order to continue the many outstanding projects designed to serve youth in ours as well as other states. Increased flexability and funding for statewide formula grants plus fundamental efforts such as DSO and the Jail Removal Initiative are essential in our efforts at the state level to serve troubled youth.

These recommendations are based on organizational change rather than individual change. Selective change in existing organizations and practices for dealing with youth is the most promising and feasible course to substantial gains in delinquency prevention. Future planning must include strategies that support and enhance integration of our primary institutions. The family remains the basic unit of social order and learning. Schools soon join the family in rearing children and become increasingly important as children become older.

By the time children enter secondary school, the school has a significant impact on the development of delinquent or conforming behavior. In high school, the prospect of a working life emerges and the role transition from student to worker becomes increasingly important. Government policies, programs, and practices must support primary institutions and strengthen the bonds between them; they cannot in any large way replace them.

One way that we can support our primary institutions is through prevention education to youth, families, schools and local communities. Youth need information on laws, policies, social and health facts. They need to be made aware of their rights as well as their responsibilities and how they can participate in a meaningful way within their communities. Parents need information on parenting skills, local resources, and how they can contribute in their youth's school and other youth organizations. Schools need information on how to train teachers and administrators in effective methods of teaching academics and responsible behavior. Local communities need information on services available for families, how the private sector can become involved in youth development, and how the police and courts can work together with families, schools, and service systems to provide for the needs of their youth.

If our system, in an unconscious manner can become adept at creating delinquency, it is reasonable to assume that it can, through conscious process, prevent delinquency and promote the normal development of our youth. We must strive for the ideal. We must redirect our scarce resources to services and programs that support our primary institutions, and alter policies that retard the family, school, and community's ownership of youth challenges. Through these conscious efforts, our words will begin to match our behavior and the message to our youth will be that we truly do value them as people.

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